



# City of Bloomington Common Council

## Legislative Packet

Containing legislation and materials related to:

Wednesday, 03 May 2023

Regular Session at 6:30pm



# CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:  
REGULAR SESSION  
WEDNESDAY | 6:30 PM  
03 May 2023

*Council Chambers (#115), Showers Building, 401 N. Morton Street*

*The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/86973582573?pwd=VnBSUUYyRG9HRFJJZE5qMVZNYjIUT09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES:**
  - A. 04 May 2022 – Regular Session
  - B. 23 February 2023 – State of the City
- IV. **REPORTS** (*A maximum of twenty minutes is set aside for each part of this section.*)
  - A. Councilmembers
  - B. The Mayor and City Offices
  - C. Council Committees
  - D. Public\*
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
  - A. Resolution 23-07 – To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana Regarding a Joint Bloomington/Monroe County Human Rights Commission
  - B. Ordinance 23-09 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: the Creation of a Joint City-County Human Rights Commission
  - C. Ordinance 23-08 – To Amend the Traffic Calming and Greenways Program Incorporated By Reference Into Title 15 (“Vehicles and Traffic”) of the Bloomington Municipal Code – Re: Amending the Traffic Calming and Greenways Program Incorporated by Reference into Bloomington Municipal Code Section 15.26.020

\*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail [council@bloomington.in.gov](mailto:council@bloomington.in.gov).

**VII. LEGISLATION FOR FIRST READINGS**

- A. Ordinance 23-10 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.03 and 20.04

**VIII. ADDITIONAL PUBLIC COMMENT \***

*(A maximum of twenty-five minutes is set aside for this section.)*

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

\*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

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**City of Bloomington  
Office of the Common Council**

Minutes for Approval

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04 May 2022

23 February 2023



In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 04, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
May 04, 2022

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived 6:31pm)  
Councilmembers present via Zoom: none  
Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:31pm]

Rosenbarger mentioned her upcoming constituent meeting.

REPORTS

Sgambelluri also mentioned her upcoming constituent meeting. She also commented on her recent ride along with Officer Taylor Jurgeto. She commented on the shootings that had occurred that night and praised Officer Jurgeto.

- COUNCIL MEMBERS [6:33pm]

Piedmont-Smith congratulated students who were graduating that weekend. She commented on the low voter turnout in the recent primary election, and congratulated those who ran, and those who won their primary. She recognized the graduate students who were attempting to have dialogue with Provost Rahul Shrivastav which did not appear to be forthcoming.

Flaherty noted his upcoming constituent meeting.

Sandberg echoed Sgambelluri's support and praise for the Bloomington Police Department (BPD). She discussed her ride along with Downtown Resource Officer (DRO) and Sargent Josh Taylor that morning. She commented on BPD officers' compassion and professionalism and thanked Chief Michael Diekhoff and Captain Scott Oldham for organizing the ride alongs.

Nicole Bennett, Commission on the Status of Women, introduced Elizabeth Gribbins, Adam Shifriss, and Christina Samons from the O'Neil School of Public and Environmental Affairs at Indiana University (IU) who explored gender equity in Bloomington.

- The MAYOR AND CITY OFFICES [6:40pm]

Elizabeth Gribbins discussed the capstone project to assess the status of women in Bloomington including workplace issues, housing security, safety, child care, and health care. She highlighted that an intersectional feminist approach was used. Gribbins briefly presented the survey, deliverables, best practices, and a grant toolkit.

Adam Shifriss presented the impact of COVID-19 on data analysis. He described 2019 as a baseline year, the 2020 census, and how 2021 data was leveraged. He summarized missing data, breakdowns for low-income women, and intersectional groupings.

Christina Samons described best practices for survey design including building trust through having a consent form and stressing anonymity. She discussed recommendations, minimizing bias, translating for other languages, and emphasizing identity inclusivity. She spoke about options for distributing the survey.

Shifriss and Gribbins also discussed pay discrepancies for men and women, as well as type of work examples, and actions the city could take. They presented on housing, homelessness, and additional recommendations for the city. Other topics they discussed included safety and intersectional perceptions on safety, health care, child care and child care deserts, and an intersectional dashboard. They highlighted the successes in Bloomington. They recommended an intersectional dashboard to better analyze accurate data, potential useful metrics, and recommendations on integrating the metrics into the budgeting process.

Sandberg stated that the Jack Hopkins Social Services Fund (JHSSF) committee were considering applications from thirty local organizations providing services to the city. There were \$317,000 to distribute. She provided some information on the good work the organizations were doing. Sandberg thanked the committee.

Hugh Kramer discussed the environmental and health hazards of gas-powered leaf blowers. He provided extensive details.

Jim Shelton spoke on behalf of the Court Appointed Special Advocate (CASA) program and its upcoming training and the need for volunteers.

There were no appointments to boards or commissions.

Rollo moved and it was seconded that Ordinance 22-07 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Sandberg asked Stephen Lucas, Council Attorney, if an explanation was needed for the consideration of Ordinance 22-07.

Lucas explained that the petitioner had requested that council reject Ordinance 22-07.

Rollo moved and it was seconded that Ordinance 22-08 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sandberg referred Ordinance 22-08 to the Committee of the Whole to meet on May 11, 2022 beginning at 6:30 pm.

Rollo moved and it was seconded that Ordinance 22-09 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sandberg referred Ordinance 22-09 to the Committee of the Whole to meet on May 11, 2022 beginning at 6:30 pm.

Rollo moved and it was seconded that Ordinance 22-10 be read by title and synopsis only. The motion was approved by voice vote. Flaherty was out of the room. Bolden read the legislation by title and synopsis.

Sandberg referred Ordinance 22-10 to the Committee of the Whole to meet on May 11, 2022 beginning at 6:30 pm.

- The MAYOR AND CITY OFFICES (*cont'd*)

- COUNCIL COMMITTEES [7:07pm]

- PUBLIC [7:08pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:19pm]

LEGISLATION FOR FIRST READING [7:19pm]

Ordinance 22-07 – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for a Planned Unit Development - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner) [7:19pm]

Ordinance 22-08 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20 [7:20pm]

Ordinance 22-09 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.03 [7:21pm]

Ordinance 22-10 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.04 [7:22pm]

Rollo moved and it was seconded that Ordinance 22-11 be read by title and synopsis only. The motion was approved by voice vote. Flaherty was out of the room. Bolden read the legislation by title and synopsis.

Ordinance 22-11 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.05, 20.06, & 20.07 [7:23pm]

Sandberg referred Ordinance 22-11 to the Committee of the Whole to meet on May 11, 2022 beginning at 6:30 pm.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:24pm]

Rollo moved and it was seconded that Ordinance 22-07 be read by title and synopsis only. The motion was approved by voice vote. Flaherty was out of the room. Bolden read the legislation by title and synopsis.

Ordinance 22-07 – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for a Planned Unit Development - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner) [7:24pm]

Rollo moved and it was seconded that Ordinance 22-07 be adopted.

Lucas described the two changes requested by the petitioner. One allowed for the creation of small lots for signage which received a negative recommendation from the Plan Commission. The second changed the allowed uses to include a studio space for videos and podcasts. He said that staff noted that the existing allowed uses included studio space. Based on the negative recommendation for the small lots, and that studio space was an allowed use, the petitioner wanted council to reject the petition. He described actions council could take.

Eric Greulich, Senior Zoning Planner in the Planning and Transportation department, confirmed that Lucas had summarized the legislation sufficiently.

Volan asked for clarification on the negative recommendation for the small lots for signage by the Plan Commission.

Council questions:

Smith responded that it was based on the size of the sign not being an allowed nor recommended use.

Volan asked if it had been a unanimous vote.

Greulich confirmed that it was, for both changes proposed by petitioner.

There were no public comments.

Public comment:

Volan asked if the vote was to allow the petitioner to withdraw.

Council comment:

Lucas explained that the motion was to reject the changes to the already approved Planned Unit Development (PUD).

The motion to adopt Ordinance 22-07 received a roll call vote of Ayes: 0, Nays: 9, Abstain: 0. FAILED.

Vote to adopt Ordinance 22-07 [7:33pm]

Rollo moved and it was seconded that Resolution 22-09 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 3, Nays: 0, Abstain: 4.

Resolution 22-09 – Resolution Proposing an Ordinance to Modify the Monroe County Local Income Tax Rate, Allocate the Additional Revenues to Economic Development and Cast Votes in Favor of the Ordinance [7:33pm]

Rollo moved and it was seconded that Resolution 22-09 be adopted.

Sandberg noted that the consideration of Resolution 22-09 was a continuation from a previous week's session.

Flaherty moved and it was seconded to adopt Amendment 01 to Resolution 22-09. Smith presented Amendment 01.

Amendment 01 to Resolution 22-09

Amendment 01 Synopsis: This amendment is sponsored by Cm. Smith. It would reduce the proposed Economic Development Income Tax rate from .855% to .69% and would revise the total expenditure tax rate to reflect this reduction. In the supporting materials and discussions that have accompanied this proposal, including memos provided by the Mayor and presentations given at Council meetings, the administration has listed several key areas of investment that it intends to fund based on projected new annual revenue for the city that would be generated by the new tax rate:

- Public Safety \$4,500,000
- Climate Change Preparedness and Mitigation \$6,595,000
- Equity and Quality of Life for All \$3,900,000
- Essential City Services \$3,000,000 Total \$17,995,000

While the specific amounts and types of investments in these broad categories will be put into effect through mechanisms outside of this resolution, the intent of this amendment is to revise the proposed Economic Development Income Tax rate such that investments in the broad categories detailed by the administration may be made at the amounts listed below.

- Public Safety \$4,350,000
- Climate Change Preparedness and Mitigation
- Transit investments \$3,850,000
- Climate Action Plan implementation \$645,000
- Equity and Quality of Life for All \$2,900,000
- Essential City Services \$2,750,000 Total 14,495,000

Rollo asked if the city was well-positioned to compensate city employees in pace with cost of living increases.

Council questions:

Mayor John Hamilton confirmed yes.

Rollo asked about using other funds like the expiring Community Revitalization Enhancement Districts (CRED) for capital projects, included in the expenditures of the Local Income Tax (LIT), for a new police station or a combined police and fire campus. He asked why the city had only allocated \$3 million of the total \$16 million.

Hamilton said that the administration had not recommended any of the CRED funding because it was crucial for a city the size of Bloomington to retain reserves in the case of unforeseen future needs. He said that, in working with council, it was determined that some of the CRED funds could be allocated.

Rollo said that the cost of living was going up and that the tax came at a difficult time. He asked where the CRED funds could be used, whether it be for emergency purposes or something else.

Hamilton referenced Controller Jeff Underwood's examples, at the previous week's meeting, of CRED funds that had been used. He reiterated that an \$18 million tax had been recommended by the administration because that was the amount needed to advance all the interests of the community. He noted that the proposal had been very carefully thought through, and had been reduced by the \$3 million. He provided additional details, and explained why it was necessary to have sufficient reserves.

Volan asked how the rainy day fund, and similar funds, were used over the two years of the pandemic, and how they were affected.

Hamilton said that the prudent reserves in the General Fund and the Parks and Recreation Department General Fund were used for backstopping short stops in various departments, and for

investments directly into the community via loans, grants, JHSSF funding, and more.

Volan asked about the funding in the rainy day fund.

Hamilton said the budget projections showed the fund went from four to two months of reserves, and provided additional details.

Volan commented on the state’s feedback indicating that the rainy day fund was too high. He asked if the administration was grateful for the cushion.

Hamilton responded that it had been essential in order to avoid layoffs, keep services functioning, and investing into the community.

There were no public comments.

Amendment 01 to Resolution 22-09 (cont’d)

Public comment:

Council comment:

Piedmont-Smith said that Amendment 01 was a compromise that maintained the important parts of the proposed budget with the LIT increase, like the climate change and significant transit investments. She provided examples of improvements to transit service in order to encourage community members to choose to ride the bus. She discussed the economic equity fund of \$1 million and explained that many investments in the plan benefitted low-income individuals in Bloomington and Monroe County. She said there would be funds to make good on the tentative agreement with the Fraternal Order of Police (FOP). She supported Amendment 01.

Rollo said that the LIT was restricted by state statute as a regressive tax and would disproportionately burden low- to moderate-income residents. There were economic pressures and high inflation. It was incumbent on council to assist the administration in tightening the belt. He appreciated the difficult compromise and commented on the reduced tax rate. He believed that more could be done to increase savings. He commented on the Public Safety LIT (PSLIT) which had a surplus as well as the expiring CRED funds. He would support Amendment 01 but believed that more time was needed to figure out how to further lower the rate.

Volan addressed Rollo’s comment about supporting Amendment 01 but needing more time to further reduce the rate. He said he had always supported an annual increase for transit, in perpetuity. It would be transformative. Volan commented on the compromise, and said that he was fine with it being tied to the public safety salaries and looked forward to future opportunities for increasing the LIT to increase funding for transit. Volan had not heard about a lack of support for increasing transit services. He commented on the CRED area and funds and said that he did not want to see the funds used outside of the district. He believed the businesses that had paid into the fund also did not want to see it used outside the district. Volan said he would contest using those funds outside of the district and disagreed with Rollo that those funds should be available. He commented on the intention of the funds that were collected in the district. He referenced the restriction imposed on municipalities to collect taxes in 1973. He commented on having balanced budgets throughout his time on council.

Sandberg commented on the difficult decision on the proposal. She had heard from staff and frontline workers as to the need for additional funding for services. She was troubled that it was council voting on something that impacted everyone in Monroe County, based on the tax council. She had wished it had been a more collaborative effort, including those in the rural areas who did not have social services like those in Bloomington. She appreciated the hard work her colleagues had done to reduce the tax increase, and

she could support it in the spirit of compromise. Sandberg looked forward to future discussions on budgets and service, and respecting the relationship with county colleagues. She noted that with negotiations, not everyone would be satisfied. She reiterated that the FOP contract must be honored.

Amendment 01 to Resolution 22-09 (cont'd)

The motion to adopt Amendment 01 to Resolution 22-09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Resolution 22-09 [8:05pm]

Rollo moved and it was seconded to postpone discussion on Resolution 22-09 to a Special Session on May 11, 2022 at 5:30pm.

Volan said that the motion to postpone needed five votes to pass. Lucas stated that was correct.

Council questions:

Sgambelluri asked Rollo to describe the additional conversations he anticipated that merited a postponement of the proposal.

Rollo referenced his earlier remarks including surpluses and a windfall in the CRED. The bond principle could be reduced as well as the rate. He provided some examples of tax reductions.

Piedmont-Smith asked Rollo why he had not pursued that earlier since council had been discussing the proposal for six weeks.

Rollo stated that he had raised the issues at every meeting, and provided examples of answers to his questions. He said that he had hoped the administration would increase the use of CRED funds.

Piedmont-Smith asked if he had discussed his suggestions with other councilmembers since she had not heard directly from him.

Rollo confirmed that he had, as well as with the administration.

Flaherty said that the administration's intent was to set up a long term sustainable plan for facilities and city services, and that having a one-time influx of money did not address a fifty year plus timeline. He commented on the compromise and stated that he would vote against the motion to postpone.

Volan agreed with Flaherty and reminded Rollo that he was intending to pledge tax dollars of district six for the sake of reducing the tax for everyone else. The taxes had been collected in good faith for investments in the downtown CRED district. He was not sure what to tell residents, and businesses immediately surrounding the courthouse that were over one hundred and fifty years old, with infrastructure that could be upgraded, but suddenly the funds were going to be used elsewhere. He did not appreciate the last minute effort to lower the tax even more, late in the process. Volan said the CRED funds needed to be used in the district they were collected in.

Smith said that Rollo was doing his due diligence to reduce the tax, and was part of the fiduciary responsibility of council. He applauded and supported Rollo's efforts and would also support the proposal.

Rosenbarger explained that she would not be available the following week for a Special Session. She also commented on council's efforts over the previous few weeks, on having a good faith compromise. She said not all councilmembers had participated in that hard work. She was not encouraged to postpone.

Rollo asked if she would be available on May 18, 2022.

Rosenbarger confirmed that she was.

Rollo stated that he wanted to modify his motion.

Lucas explained that the motion could be modified if there was unanimous consent. If there was an objection, then a majority of the council needed to approve it.

Resolution 22-09 as amended  
(cont'd)

Volan objected to the modification.

Rollo moved and it was seconded to change his motion in order to postpone discussion on Resolution 22-09 to the Regular Session on May 18, 2022 at 6:30pm.

The motion to adopt change in motion received a roll call vote of Ayes: 6, Nays: 3 (Volan, Sims, Sgambelluri), Abstain: 0.

Vote to modify motion [8:17pm]

Rollo responded to Volan and said that millions of dollars were collected and spent in the downtown area. He argued that the downtown was the focal area of expenditures in terms of physical improvement, employment, parking garages, and more. It was not accurate to say that he proposed seizing dollars from district six.

Council discussion:

Volan commented on downtown, council districts, parking, funds, and more. He was doing his due diligence for his district and asserted that the CRED funds should be used in the area the fund was intended for. He argued that Rollo's district was perhaps the wealthiest in the city.

Sims stated that he was impressed with where the proposal had started and where it currently was, via compromise. He asked for clarification from the mayor regarding excess funds in PSLIT. He also said that he understood the CRED and its intentions and the need for reserves and perhaps using some of the reserves.

Hamilton said that there was not a projected balance at the end of the year for PSLIT and it did not have extra funds.

Sims commented on the budget process and council's role. He said that he did not see any fundamental change that could happen in the next couple weeks.

Sandberg did not anticipate the motion to postpone would pass. She commented on constituent feedback and her intent of reducing the LIT to something feasible. She looked forward to working on the PSLIT committee and collaborating with the county, Ellettsville, and Stinesville.

The motion to postpone discussion on Resolution 22-09 as amended received a roll call vote of Ayes: 3 (Sandberg, Rollo, Smith), Nays: 6, Abstain: 0. FAILED.

Vote to postpone Resolution 22-09 as amended [8:27pm]

Eric Spoonmore spoke in favor of Cm. Rollo's motion considering the magnitude of the proposal and against a high increase in taxes.

Public comment:

Volan said he was sensitive to Spoonmore's concerns, since he had been a county councilor and was currently employed at the Greater Chamber of Commerce. Volan explained how the proposal helped local workers via housing, support for low income workers and families, and provided examples. He spoke about other investments, like in community arts. Volan explained that to only say that the tax would hurt residents was incorrect and he referenced his examples. He agreed with Smith about the incredibly hard decision on the proposed tax increase. He supported the proposal.

Council comment:

Sgambelluri thanked her colleagues for compromising. There were not always solutions, but rather tradeoffs via compromise, with no

perfect solution. She explained how she analyzed the proposal and came to a decision on her vote. She explained her thoughtful consideration of the proposal including questioning if there was a clear and coherent set of funding priorities, a reasonable time to pass a tax increase, substantial public engagement, collaborative discussions between the administration and council, housing concerns, and an effort to minimize the burden for those vulnerable and struggling. There were built in investments to reduce the burden like housing equity, transit services improvement, and more. She would vote in favor of the tax increase.

Resolution 22-09 as amended

Rollo said that he agreed with a lot in the proposal and he thanked his colleagues for compromising and lowering the LIT. He believed a better time to pass a tax increase was when wages kept pace with inflation and people had discretionary funds. He discussed salaries for essential city employees, city services, police salary investment, and more. He spoke about his efforts to lower the rate. He had hoped that the tax increase proposal had been done after the annual budget process so that the administration could show council the need to increase the revenue. Rollo was troubled by only reserving \$3 million in an account that had a windfall of \$16 million. He would support the proposal because of the FOP contract.

Sims thanked the mayor, Deputy Mayor Donald Griffin, the administration, Controller Underwood, and council for the discussion on the proposal. He was impressed with the successful compromise. He had been in favor of the public safety and essential city services buckets, but understood the very necessary bucket of climate change preparedness and mitigation and the equity and quality of life bucket. He explained that not everything could be done. He noted that Black residents were overrepresented in police citations by 245% and that 13.9% of the citations were written to Black residents. The city's Black population was less than 4%. He questioned the equity in operational policies. Sims noted that there was never a good time to pass a tax, and that the investments in the proposal would help substantially. He commented on his concerns about taxes in the county including property taxes, the Monroe County Community School Corporation (MCCSC) referendum, LIT, and more. He said that public safety was crucial. Sims said that compromise led to the decrease in the rate but still allowed the city to make substantial investments.

Piedmont-Smith supported Resolution 22-09 because it benefitted the city and county. She believed the money the county would receive would allow it to make investments into criminal justice. She noted that some community feedback she received was not in support of funding for the police. There were members of the community who did not equate safety with investment in police. There were some who preferred that the money reserved for police salaries be used elsewhere. She personally believed that police officers needed to be paid better, but policing practices needed to be reviewed. The community also needed to understand that police were not always the answer to public safety. Piedmont-Smith reiterated that any action that evening was for a recommendation to the tax council and was not the final step. She noted that if enough councilmembers supported the increase, then the increase would pass the tax council. Next steps included determining the projects and investments that would be done, and she planned to very carefully consider each one. She commented further on the process and action that evening.



Flaherty would support Resolution 22-09. He recognized the improved process and effort from the administration on the well-articulated and justified proposal. He recognized the compromise of all councilmembers despite having shared goals and differing views. He commented that it would be ideal to work directly with county government on proposed projects, though county elected officials believed new revenue was needed. He had spoken to six of the seven county councilors, as the fiscal body of the county as well as members of the tax council, who had expressed support. He discussed the status of the county's plans for the revenue. Flaherty commented on the flawed process of LIT from the state. He spoke about the feedback from some community members who were against the increase as being harmful. He firmly believed that was not the sentiment of everyone and many understood that taxes allowed for the investment in the public good. He commented on the role and justification for a functioning government. He said that part of the goal was to prepare for the impacts of climate change, and noted the recent flooding that had resulted in one death and the flooding of a fire station. He provided the Payment Protection Plan and Program, well-funded by rates, as an example of assisting those who were struggling to pay their utility bills.

Resolution 22-09 as amended

Rosenbarger appreciated councilmembers' comments and was glad Resolution 22-09 as amended was likely to pass. She highlighted the good work that had been done by the administration and council resulting in the collaborative compromise. She commented on transit services which helped those who did not have cars.

The motion to adopt Resolution 22-09 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-09 as amended [9:02pm]

There was no public comment.

ADDITIONAL PUBLIC COMMENT [9:03pm]

Lucas reviewed the upcoming council schedule and legislation.

COUNCIL SCHEDULE [9:03pm]

Rollo moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [9:05pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVE:

ATTEST:

\_\_\_\_\_  
Susan Sandberg, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

In the John Waldron Arts Center, 122 South Walnut Street, Bloomington, Indiana on Thursday, February 23, 2023 at 7:00pm with Council President Sue Sgambelluri presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
February 23, 2023

Council President Sue Sgambelluri called the meeting to order. She noted that the meeting would be considered adjourned when the Mayor’s State of the City remarks concluded. She then asked Clerk Nicole Bolden to call the roll.

CALL TO ORDER [7:06pm]

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Ron Smith, Stephen Volan  
Councilmembers absent: Dave Rollo, Jim Sims

ROLL CALL [7:07pm]

A selection of poems was read by the Outspoken Poetry Club from Bloomington High School South.

POETRY READINGS

A video presentation, “Your Future is Here”, was shown.

VIDEO PRESENTATION

Mayor John Hamilton presented the State of the City Remarks (text provided by the Office of the Mayor), attached hereto.

STATE OF THE CITY REMARKS

The meeting was adjourned at 8:15pm.

ADJOURNMENT [8:15pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVE:

ATTEST:

\_\_\_\_\_  
Sue Sgambelluri , PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Clerk Nicole Bolden  
City of Bloomington

Welcome, welcome, welcome!! It is so good to be together. Thanks City Council, Clerk Bolden and other elected officials. Thank you Indiana University Provost Rahul Shrivastav and Vice Provost for External Relations, Kirk White. Thank you to the Alissa Guntren Piano Studio students, performers from Reimagining Opera for Kids, and poets from Bloomington High School South Outspoken Poetry Club. And thanks to members of the media for attending – your coverage is so important for our democracy, including CATS for live streaming and recording us.

This is my eighth and final State of the City address. Tonight we'll celebrate how much we have done together, review what the "State of our City" is today, and how we are prepared for the future. We'll also thank some people who make it all happen.

We heard the land and labor acknowledgement moments ago. Our work continues for equity and inclusion and welcoming. We have new signs at our city limits. Everyone is welcome here. That must continue to be our core message and our mission.

Tonight, we also remember Ukraine. Today is the 365th day of the brutal Russian invasion and occupation of Ukraine. The world is in awe of the Ukrainian people and their courageous year-long resistance and self-defense. With us tonight are Viktoriia Hanicheva, with her teenage daughter Violeta, who had to flee Kharkiv, Ukraine, at about this time last year, joining an older daughter, Valeriia, who attends graduate school at IU. They have made a home for themselves in Bloomington, at high school, doing translations, and more. Join me in welcoming the Hanicheva family here, Laskavo prosymo, and expressing our support of them and all their compatriots.

Other honored guests join us tonight, a family of six who fled persecution in Eastern Congo in 2016, and spent seven years as refugees in East Africa and Madagascar. The United Nations recently helped the family resettle here in Bloomington. The family is headed by Ferdinand and Faida Agathe, with their three children and a grandson, all here in Bloomington. They report that they have found "love, peace, safety, and a warm welcome" in Bloomington. We welcome you all - Bienvenue.

Thank you, both families, for being here, being part of our future, and for teaching us resilience and hope. Thank you for reminding us Bloomington should be a refuge, and a haven for democracy and safety; a place for new people, from all across the country and world, coming for an education or coming for their families; fleeing danger or closed doors. When we open our hearts and our doors, we claim and we brighten our future.

Like the two families we just met, everyone here has a Bloomington beginning story. My own story was being born here, to parents who founded St. Marks Methodist church on the east side. After some time away I returned to law school at IU and then again 25 years ago with Dawn to raise our two boys here. Matthew and Eric, who like both of us, went through the public schools through 12th grade. Everyone has their B'town story. Some stories we know and tell better now than we used to. In this Black History Month, we may think of the Taliaferros, George and Viola, leaders who broke color barriers in Bloomington and the country. We think of the Eagleson family. It was moving to unveil the new Eagleson Avenue signs alongside members of the Eagleson family. A street once named for a leader in the disgraceful Eugenics movement now honors this prominent Black Bloomington family dating back two centuries. Just today Tobiatha Egelson was profiled in the newspaper. Bloomington's stories are diverse and ever-changing.

On January 1, 2016, I began my service as mayor with a focus on affordable housing, good jobs, and better digital access, on climate, and transparency, and innovation, and ambition. This being my last State of the City, I hope you'll excuse a little look back.

Can you recall those days of January 2016? Before a global pandemic, before four years of America's worst President, before election deniers and the insurrection of January 6th? Before newly emboldened white supremacy and anti-semitism, or the reversals of reproductive rights? Before Tik Tok? Things can change quickly; resilience and preparedness are essential.

To lead a city well requires, I believe, welding together two different elements: on the one hand, idealism and vision, picking and pursuing worthy goals and values. As the poet Robert Browning put it: our reach should exceed our grasp, or what's a heaven for? And on the other hand, pragmatism and practicality: getting things done, on the ground, in the messy mix of reality. Hillary Clinton's political philosophy speaks to me, as she says, "I'm a progressive who likes to get things done."

Bloomington city government is full of people who every day weld together idealism and pragmatism and get things done. I wish we could have all 850 employees here to thank, to congratulate. We won't all fit here. And a bunch of us are out working right now, or really early tomorrow morning.

To represent all 850, we do have 16 department heads. The cabinet. How dedicated and resourceful you all are, public minded and conscientious. How lucky Bloomington is to have you leading the very complex organism of city government, in partnership with so many in the community.

What we've done together in the past seven years is too much to detail in one sitting. The full picture of accomplishments can be reviewed at <https://bton.in/8vYDQ>.

Tonight, I will just do highlights and a high-speed version of the many accomplishments. I'm going to ask each cabinet member, as I call your name and department, please come up on stage, to feel the support and thanks of this community, and a token of appreciation. You earned it. You deserve it. Let's celebrate and get started.

Vic Kelson has led City of Bloomington Utilities (CBU) since 2016, when Lake Monroe's water quality was deteriorating, and we fixed it and now protect it. We installed tens of thousands of automatic water meters, invested tens of millions in upgraded and expanded wastewater and water plants and water and sewer lines. We are saving energy. We invested in more training for our people. CBU is planning a big brand-new location coming at Winston-Thomas. And CBU is thinking really long-term, exploring new sources of water to supplement Lake Monroe.

Kate Gazunis has led the Bloomington Housing Authority (BHA) since 2021, and we call out Amber Skoby and Jennifer Osterholt before her. BHA earns top scores regularly in its federal reviews, as it provides safe, affordable housing to several thousand Bloomingtonians. We rehabilitated hundreds of publicly owned housing units in five years instead of the planned 25 years, and this project is soon to be completed. BHA is also adding solar panels to its roofs. BHA just announced a milestone of accomplishing 100% usage of its housing vouchers. We are launching an exciting new land trust at BHA, Summit Hill, to develop and steward permanently affordable homes.

John Connell has led Bloomington Transit (BT) since 2021, and we remember Lew May before him. BT has long had the highest per capita ridership of all of Indiana's transit systems. We're transitioning to an all-electric fleet, with 14 new electric buses on site or on order. John is overseeing a huge growth in budget and service, supported by our Council. This includes new Sunday service, micro-mobility service, reduced senior fares, and our very first Bus Rapid Transit like service - with frequent, distinctive rapid service on likely our 3rd street corridor east-west. Their Strategic Plan is called "Transform BT."

Mike Diekhoff has been Chief of Police since 2008. Our innovative department has been leading change, from body-worn cameras to de-escalation training, from Downtown Resource Officers to Social Workers. We twice earned national accreditation from CALEA, something less than 5% of police departments achieve. We follow 8 Can't Wait and Obama's 21st Century Policing guidelines, and continue to see a

declining overall crime rate. We're looking forward to a new police headquarters next year, and continue our efforts to improve gun safety.

Jason Moore has been our Fire Chief since 2016, represented by Deputy Chief Jayme Washel, and most notably we have earned a national top ISO 1/1x rating, for the first time ever, joining an elite group of city departments in the country with that rating (and thanks Dispatch and CBU also for their parts). Our fire department has reduced fire fatality rates 90% in the past several years and directly saved 10 people from fire deaths. We had engines stalling out on the way to fires in 2016, but now deploy virtually all new equipment; and developed new services like quick response vehicles and mobile integrated health services. We're doing more training and upgrading all five stations. And by the way, we are the only city in Indiana with a CALEA-accredited police and ISO 1 fire departments.

Paula McDevitt leads our Parks & Recreation department, since 2016. First, one word: Switchyard! What an incredible gift to our community and the future. Paula and her team also won another national gold medal, our second, something most departments fantasize about winning ever. Miles of new trails and hundreds of new trees are here. Parks developed a fantastic program with Centerstone for workers joining city efforts. Parks and Rec is beloved by Btown, and a benchmark of excellence in public service.

Adam Wason has led the Public Works family since 2016. We have accomplished a full overhaul and upgrade of the sanitation services (remember the old stickers? Remember old trucks so rusty you could put your hand through them? I do). We've greatly expanded and upgraded the animal shelter, continuing its outstanding record of saving animals and placing them in new homes. Public works uses cutting edge technology to measure the conditions of our sidewalks and streets, and has filled 41,000 potholes, repaired more than 13 miles of sidewalks, and installed 547 ADA sidewalk ramps all around town. You saw the Brighten B-Town program with Centerstone in the video. And thanks for plowing the snow whenever it arrives.

Beverly Calendar-Anderson has led Community and Family Resources since 2014. CFRD may throw the best parties in town and serious commemorations too. We've launched grant programs for downtown services and for violence prevention, and for DEI support. Beverly and her team have added a downtown after-hours ambassador to represent city government in all-kinds of new ways and times, and places. CFRD has led some of the most challenging responses to the COVID pandemic and homelessness.

John Zody has led Housing and Neighborhood Development since 2021, and before him, Doris Sims. HAND does thousands of apartment inspections a year, keeping our residents safe. We've automated and improved that process. HAND supports neighborhoods with clean-up days and grant programs and helps people buy homes, too, like Audrey in the video. HAND has been front and center in supporting nearly 1,400 affordable housing units in the past seven years and investing the \$4 million in new housing development funds we've leveraged from private developers. And sign up for residents academy if you want to learn more about city government.

Alex Crowley has led Economic and Sustainable Development since 2016, with Linda Williamson before him. The small but mighty ESD leads our response to the climate emergency, including with the first ever Climate Action Plan. We have dramatically expanded local arts funding and support. ESD developed emergency loans during the pandemic, and were instrumental in two national firsts: our CDFI Friendly Bloomington financial institution, bringing \$23 million in mission capital to town, and our Sibling City relationship with Palo Alto, California. [thank PA Council member, SCA founder Vicki Veenker] ESD is at the heartbeat of much in Bloomington: the Trades District and Mill, the Buskirk and the Waldron, small businesses, parklets, solar panels and public art.

Scott Robinson has led Planning and Transportation since 2020, with Terri Porter and Christy Langley before him. We have produced so many plans with our community and council: the Comprehensive Plan, the Transportation Plan, the Unified Development Ordinance. These all truly are the blueprint for our future city. Planning and Transportation reviews plans for new developments, including those for 5,600 new units of housing. We explore big ideas with our community, like the College/Walnut corridor study, greenways, and bike and pedestrian network. We make sure development follows the Bloomington way.

Andrew Cibor, Two-time City Engineer, most recently since 2020, first to lead the new engineering department, created in 2021 - Andrew and his team oversee the over \$3.5 billion of new investments that have gone in since 2016, and manage all the public rights of way. From Hopewell to the Trades District to sidepaths and sidewalks, ADA ramps and more. So much construction to manage! The new 7-Line separated bike lane got their design and TLC, and in 2022 PeopleforBikes named it the 5th best new bike lane in the whole country!

Rick Dietz has led Information and Technology Services since 2004 [represented by Greg Overtoom] - ITS keeps all of city government connected and equipped for today's workplaces. We've added wifi in parks. We supplied so many workers with new equipment during the pandemic and trained everyone how to zoom, how to hold public meetings remotely; we've won state and national awards for best city website, digital equity trailblazing, and our public B-Clear dashboard. And, of course, after six years of trying, we've joined forces with Meridiam to get gigabit speed fiber to the whole city with the country's best digital equity program.

Beth Cate has been the city's lead lawyer since 2022, and before her, Philippa Guthrie. Our lawyers help everyone else in city government do their jobs, advising on contracts and new ordinances, property acquisition and enforcements. Beth and her team negotiate labor contracts and deal with personnel issues. We defend lawsuits, and bring lawsuits. We won a landmark city-rights annexation lawsuit at the Indiana Supreme Court. We monitor, investigate, and report on hate and bias incidents in our city. We're the only city in Indiana scoring 100% on the Human Rights Campaign municipal index score, and we've done it eight years in a row!

Jeff Underwood is our two-time City Controller, most recently since 2014. Jeff and his sharp team monitor every penny that goes in and out of city government, and that's a lot of pennies. We earn top reviews in our audits, and high rankings in our bond ratings. We issue refinance, bicentennial, utility, infrastructure, and public safety bonds. We have added critically important local income taxes for public safety and economic development. We've taken on big new projects like Switchyard, Hopewell, Trades District and the Waldron right here, requiring extra efforts from Jeff and his team. And we have weathered the pandemic economic collapse and kept city government in excellent fiscal health throughout, with strong cash balances and financial ratings.

Emily Pierson is acting head of Human Resources, taking over for Caroline Shaw before her. HR takes care of all 850 of us city employees - hiring us, training us, planning with us, and yes, sometimes having hard talks with us. Emily and her team dealt with the upheavals of the pandemic with great skill, keeping us safe and productive. We've added paid family leave, and a living wage for every city employee, and enhanced savings matches. We've reviewed compensation and trained in DEI. HR has been the front line in dealing with the new labor market realities of higher turnover and vacancies, and led outside management reviews of every city department to enhance effectiveness.

Coordinating all those 16 departments is the Office of the Mayor, led by Deputy Mayor Mary Catherine Carmichael since this year, preceded by Don Griffin and Mick Reneissen since 2016. The deputy mayor has one of the toughest jobs in Bloomington, to oversee all the biggest projects, keep tabs on all the goings on, and assure our performance and accountability.

The mayor's office also includes Communications Director Andrew Krebbs since 2021, preceded by Yaël Ksander, with a team of Justin Crossley, Digital Brand Manager, preceded by Laura Collins, and Copywriter Deirdre Sheets. And Innovation Director Devta Kidd, since 2019, preceded by Tom Miller, also Public Engagement Director Kaisa Goodman since this year; and our Chief of Staff, officially starting tomorrow, Josefa Madrigal, preceded by Elizabeth Karon. Rose Smith runs our front office, preceded by Celeste Wolfinger and Morgan Allen, with awesome interns filling out the team.

All the good things happen because of people. So cabinet, stand as you're able; city council and clerk and any other local elected officials stand up; city employees, current or past, stand up; any current or past members of boards or commissions, stand up! Members of our community stand as you're able to celebrate all these hometown heroes.

These government and community leaders, collaborating with residents and partners, have realized record investments and change in the past seven years – much of it during a global pandemic. The state of our city is very strong. And ready for the future.

And there's more to come in 2023:

We'll see major Public safety investments of \$30+ million in a new public safety headquarters with police and fire co-locating in the newly purchased section of the Showers building, as well as three fire facilities. And new \$100,000 forgivable loans to help first responders buy homes in the city.

"Project 46" is our planned three-county climate collaboration, including Bartholemew, Brown and Monroe counties we look to launch next month - watch for it.

Our new 501c3, City of Bloomington Capital improvements meets next week and will help steer the exciting Hopewell redevelopment as we review developer proposals.

Dozens of miles of fiber-optic cable are being installed right now to bring a new Digital Future to Bloomington: ubiquitous, net neutral, gigabit speed available to all. And the most comprehensive digital equity program in the country, offering free high-speed internet to thousands of needy households.

And one breaking news item tonight: Our Utility department has partnered with the county solid waste district to study a major potential Waste to Energy project. There's plenty more work and study to come, and we sincerely appreciate the partnership of the solid waste district and Tom McGlasson their director. But early reports suggest pursuing a Resource Recovery facility to anaerobically digest compostable waste locally and up to a 50-75 mile radius to produce methane gas at our Dillman Road plant. The facility could possibly generate enough heat and electricity to operate the plant. Such a facility could partially or fully address up to ten items on the City's Sustainability and Climate Action Plans. Thanks again to the county solid waste district for partnership; watch for an upcoming public meeting sharing the findings.

Much as I would like to dig further into all that has been going on and the progress this team and this community has made – Dawn warned me against too much detail about all this. (and thank you, Dawn for all the advice and support through all the years – and please join me in thanking Dawn for her incredible service to our country lately at the US Dept of Justice).....

Let's turn to a forward view. The next seven years – the critical decade of the 20s. What will we look like in 2030? I'm going to answer perhaps not as an aspiring mayor would, but perhaps as a retiring one should.

Any forward look must be done with humility, as Winston Churchill knew when he said: “Politics is the ability to foretell what is going to happen tomorrow, next week, next month and next year. And to have the ability afterwards to explain why it didn’t happen.”

What do the 2020s demand of us – starting right now, so that indeed “your future is here” – and not just those of us here now, but “you’s” all over the state and nation and world:

First: We acknowledge that Bloomington’s future is not automatic. (repeat). Hundreds of cities around the country and world – thousands – are striving to be the best places to live and work and play. We are lucky to live in such a great small city..... no doubt. But there are lots of great cities to live in, small and large. We can’t be too proud or too self-congratulatory.

We’re a terrific place to be, but not unique. I ran for mayor, and have served, intending to up our game. To activate us. To be more ambitious. I believe we have done so. But there is much more to do, including, of course, long after I am out of office, because no future is automatic.

Second point: Change is hard, and essential. (repeat) Change can be unpopular with vested interests or settled expectations. Traditions and nostalgia can hinder progress. We Bloomingtonians today can sometimes love a city that doesn’t welcome all among us, or newcomers, or next generations. Saving our county courthouse and the Buskirk and the Waldron all were excellent moves. But losing the Chocolate Moose’s traditional and charming little A-Frame let us gain 54 new housing units, including ten permanently affordable workforce apartments. My parents lived in an apartment right next to the Penguin/Moose when they first came to town in the 1950s. Dawn and I took our boys there many, many times – walking there from our home was a ritual as each summer began. Important change can be unpopular. By the way, while the A-Frame is gone, the delicious ice cream remains at the new Moose. (and If you want to see the old building, check out Mellencamp’s Jack & Diane music video.)

Former Chicago mayor Rahm Emanuel said, “Change is our new constant. It comes swiftly, unannounced. And the hardest thing to figure out is how to make change a friend and not a foe. A mayor who denies change is going to fail.....fail in their responsibility to the public to better prepare their city for the future.”

We change to improve equality and access, to protect our environment and advance our children’s health and education and future. Our land/labor acknowledgement reminds us that this imperfect union, and imperfect city, must continue to struggle to improve.

Third point: much of this change, we’ll have to do ourselves, as a community. (repeat) That is, we won’t always have willing partners around us and above us. For the changes we need, state government is unlikely to help enough. Indeed we can expect they may impede or oppose some of our efforts. Cook Group CEO Pete Yonkman recently said, “we can’t sit around and wait for the governor, and for the state of Indiana, to solve our problems and our challenges in our communities.” Agreed. And federal government has been so fractured and stuck as well; they’ve seemed unable to come together and fix important problems. A lot of this truly falls to us here locally.

Now one bit of very good news: in the past two years, the federal government has made extraordinary progress. President Biden, Vice President Harris, and Speaker Pelosi and Leader Schumer together produced an incredible package of support – including some coming directly to Bloomington and cities like ours – first the American Rescue Plan Act, then the Bipartisan Infrastructure bill, and the Climate/inflation reduction act, and the Science bill (CHIPS). This over 4 Trillion dollars of support is an extraordinary package to help in our transformations. What is possible in the next five plus years is fantastic – if we have the wisdom and gumption to pursue it. It is fantastic and also rare: We are unlikely to see another such combination of federal help in the next 20 or 30 years.



I hope I'm wrong about that 20-30 year horizon and the need to be more self reliant, but I'd bet I'm not. By 2040, it's estimated that 70 US senators will be chosen by 30% of Americans living in smaller, more conservative states. Our federal judiciary, from the Supreme Court down, is terribly conservative and reactionary, including, of course, their outrageous and devastating overturning of Roe v. Wade 8 months ago tomorrow. Gerrymandering and money in politics impede progressive ideas. Our own state has some of the worst gerrymandering in the country, and just passed SB1 to prohibit almost all abortions. These and other challenges mean we need to chart our own destiny locally.

So heading toward 2030, I'll propose four big changes we should pursue locally. And making these big changes, we must do them all at once. (repeat) We can't slow down our momentum or look backwards.

We also can't imagine that we will all reach consensus about these issues. They are complicated, hard, even divisive sometimes. A majority of us have to lead this change. To spur Bloomington to the future 2030.

First, on our global and local climate emergency. We need to lead. Our State of Indiana won't. Period. By 2030 we need to accomplish real progress on our excellent and detailed – and at least partially funded – Climate Action Plan. We have potential regional and cross-sectoral climate progress coming with our planned 3-county Project 46 (aka Green Ribbon panel). With regional planning, and more funding and focus, we can achieve our climate goals by 2050 or earlier. And notably for public transit, we have quintupled our local support from 1 to 5 million dollars a year: Imagine the best public transit in a small city in America, where you have the access and ease of a big city. Think of the convenience of transit in a New York or DC or London – but in a small city like ours. We could do it. We should do it. One Bus Rapid Transit line is already funded, with planning underway, for an east-west 3rd street. As well as micro-transit options. What about three more lines to criss-cross our community? With transit-oriented density of development at the stations. Imagine America's very best small-city transit system. The feds are ready to help in this. We should do it.

Second, imagine our 2030 quality of life and jobs supporting it, with more trails, more parks, more arts, more delight! Imagine the private sector growth expanding jobs and building on the successes of Cook, Catelet, Baxter, Boston Scientific, IU Health, Secretly Group, The Mill, Remote Bloomington and many more ..... 1000s of new good-paying jobs. We have such a well-educated workforce. Thank our school system and Ivy Tech and IU.

Remember Daniel Patrick Moynihan, who said, "If you want a great city, found a great university, and wait 200 years." By 2030 we need to be leaning in together even more, IU and Bloomington. Imagine Bloomington with thriving private jobs fueled by IU and intelligence, with wages among Indiana's highest.... And imagine if we accelerate our family friendly policies and establish free pre-K for 3- and 4-year olds? These are all possible. And in all this we must advance our Diversity, Equity, Inclusion, Accessibility and Belonging efforts. Can you imagine a 2030 Bloomington with booming tech and new-economy jobs, free universal pre-K, and a measurably more diverse and welcoming city?

Third, affordable housing. You know we must expand and accelerate housing production – both market rate and dedicated affordable housing. In the last seven years our city team has supported 5,609 new or retained units of housing in Bloomington, with almost a quarter of it, fourteen hundred units, affordable housing. (that's a 20-fold increase over the previous seven years' affordable units). So we've gotten a great start. But we should accelerate that pace, with continued 25% affordable units. I believe strongly we have to continue to expand opportunities.....to let more people live and work in our great city.

We need more choices with a mix of housing types. We're only averaging about 30 new single family homes per year. Our neighborhoods have to continue to evolve, to improve, for more, and for better lives. It means in the city, yes, more height, more density. Because that also means less sprawl, and more

sustainability. We'll do up to a thousand new units at Hopewell. We have a new land trust with Summit Hill, and we have CDFI Friendly Bloomington to bring in tens of millions of dollars.

I believe we should imagine housing for 250,000 people in our 3-county Metropolitan Statistical Area of Monroe, Owen, and Greene counties. Put another way, that's about a 30% growth in population from 192,000 today. This won't be easy to do well. But we have done it before: in two decades of, the 1940s and the 1960s, Monroe County's population grew by 37 and 44%, respectively. In the decades of the 70s and the 90s our neighbor Owen County grew by 30 and 26%, respectively. Imagine 250,000 people in our MSA. The energy and creativity. The diversity and innovation. The sustainability. If we manage it right.

That's three areas with good momentum where we need to up our game and keep stretching – climate..... jobs and quality of life....and housing.

In a fourth area we are deplorably lacking: public health and our criminal justice system. Indiana is near rock-bottom in the nation for investments in public health, and in many public health indicators. We know the State House and Governor last year enacted terrible Senate Bill 1 that seeks to cripple reproductive health services, devastating women and families. We generally lack adequate access to health care doctors and direct services. We have to respond to all this locally with all that we can, relying extensively on our county government's primary leadership role in public health. We cannot wait for the state to save us. Yes, we continue to urge their support, but we have county-wide resources available right now to invest in public health, including mental health and substance-use disorder services, and reproductive health.

Let me speak a moment about our neighbors whom we often see on the streets and in parks or encampments in and around our city. We should all thank the extraordinary nonprofits and partners of government who together are embracing the "Built for Zero" model of making homelessness "brief, rare and non-repeating" in our community. The city and county collaborate with these partners, and contribute millions of dollars to advance this Heading Home solution. We are moving forward, but the calamities and suffering we often see on our streets are only in part a housing issue. Primarily, we are in the midst of a public health emergency in our community. We must invest significantly more, locally, in public health, including specifically mental health and substance-use treatments.

And we know the debacle and moral catastrophe of our jail, which in many ways is also a cry for more public health investment. I challenge us in our highly over-incarcerated country and state: Imagine if for every new dollar we propose to invest in needed jail and jail-related services, we also invest a new dollar or more in prevention and pre- and post-incarceration services and facilities. Again, we can't wait for more state public health money. Despair, isolation, and addiction are real. We should dedicate millions a year locally into mental health services. Imagine if, by 2030, Bloomington were a national leader in local mental health services.

I imagine Bloomington thriving in 2030 if we address these four areas energetically. None of this is automatic or easy. But it is possible.

I'll close and highlight two things to make all of this possible: resources, that is, financing and political will—two necessities to achieve a vision.

First on the funding of all this government effort. "Taxes" is not a bad word. They are how we achieve many important things together. Recent decades have seen a terrible, harmful denigration of public investment and efforts. That's wrong-headed and wrong history. It is precisely public investment that has dramatically advanced humanity in our country and across the globe – in equality and opportunity, in public schools and health care and public health and social security and infrastructure.

Remember that our own local income tax, even after our recent major new local efforts, is still the 2nd lowest of our seven immediate neighbors – in a low-tax state in a low-tax country. With some resources already on hand, and capacity for additional bonding or revenues as needed, we have ample financial capacity to meet the challenges of 2030.

The second essential ingredient is political will. Nancy Pelosi quoted Abraham Lincoln recently about how to get things done; Lincoln said, quote “In this country, public sentiment is everything. With it, nothing can fail; against it, nothing can succeed.” end quote. I’ll say it again: “In this country, public sentiment is everything. With it, nothing can fail; against it, nothing can succeed.”

Is there Public Sentiment to meet these big challenges? I believe fervently yes. Our public wants us to respond and lead concerning the climate emergency. Our public wants us to support great new jobs and achieve increased diversity and rising quality of life. Our public wants us to ensure housing opportunities so people from all walks of life can live here. Our public wants us truly to protect public health in all its dimensions.

When our public wants these things, we are called to muster the political will to deliver them. I believe in Bloomington and believe we can continue our progress accelerate our progress.

With excellent local momentum, and unprecedented federal support available, we can combine resources and political will to rise even higher. It is a great time to be in Bloomington, with the state of our city so strong.

“Your future is here” should be heard far and wide. Your future is here – a new graduate imagining a career and a family. Your future is here: A family fleeing rising seas, or wildfires, or other climate impacts, from our coasts or around the world. Your future is here: Immigrants fleeing depressed opportunities or war or persecution. Your future is here: Families just wanting a great place to work and play. Your futures are here.

My friends, the future is very bright in our home city, these lovely, verdant, forested, water-rich, gentle and generous hills of southern Indiana. The state of our city is strong. And I join you in imagining all the possibilities ahead of us. What a privilege. And a responsibility. It continues to be a great honor to serve as mayor. For which I thank you, and I sincerely look forward to our next chapters. May Bloomington’s blessings continue to flow.

Thanks again for being here.



## MEMO FROM COUNCIL OFFICE ON:

### **Resolution 23-07 – To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana Regarding a Joint Bloomington/Monroe County Human Rights Commission**

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#### **Synopsis**

This resolution approves an Interlocal Agreement between the City of Bloomington and Monroe County pursuant to state law to establish and fund a joint Bloomington/Monroe County Human Rights Commission. The agreement provides that the City of Bloomington shall be responsible for staffing the Commission, which together with staff shall engage in human rights education and awareness activities and enforce both City and County human rights ordinances; in exchange, the County shall make semi-annual payments to the City Controller to share the costs of these activities. Once approved, together with corresponding changes to the city and county human rights ordinances, a seven-member joint Bloomington/Monroe County Human Rights Commission will be made up of three Mayoral appointments, two Common Council appointments, and two appointments by the Monroe County Commissioners.

#### **Relevant Materials**

- Resolution 23-07
- Human Rights Commission Interlocal Agreement by and between the City of Bloomington and Monroe County
- [The staff memo and related materials for proposed code changes can be found in materials for proposed Ordinance 23-09]

#### **Summary**

Resolution 23-07 approves an interlocal agreement between the City of Bloomington and Monroe County in order to effectuate the creation of a joint city-county Bloomington/Monroe County Human Rights Commission.

Under state code, two entities who wish to jointly exercise power must enter into a written agreement approved by ordinance or resolution. [Ind. Code 36-1-7-2](#). State law requires the written agreement to follow the statutory requirements in [I.C. 36-1-7-3](#). This resolution would approve of this interlocal agreement in accordance with state law requirements for political subdivisions to jointly exercise their powers.

This resolution is coming forward at the same time as the scheduled second reading for Ordinance 23-09, which would codify the combination of the two Commissions within the Bloomington Municipal Code. The proposal is the result of discussions between city and Monroe County officials.



**City of Bloomington Indiana**

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**RESOLUTION 23-07**

**TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA REGARDING A JOINT BLOOMINGTON/MONROE COUNTY HUMAN RIGHTS COMMISSION**

WHEREAS, the City of Bloomington (“City”) created the Bloomington Human Rights Commission in 1970 through adoption of Ordinance 70-37; and

WHEREAS, Monroe County created the Monroe County Human Rights Commission in 2010 through adoption of Ordinance 2010-44; and

WHEREAS, the City and County are empowered pursuant to Indiana Code § 36-1-7 to contract together on the basis of mutual advantage to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local government; and

WHEREAS, the City and County believe that a single point of contact for both public education and dispute resolution provides a more effective and efficient service to the community; and

WHEREAS, the City and County wish to enter into an Interlocal Agreement setting out their mutual obligations to support and fund the Commission’s functions, through the authority of I.C. § 36-1-7-2; and

WHEREAS, following approval of this Interlocal Agreement, the City and County intend to amend their respective codes to create and empower the Commission; and

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

SECTION 1. The Common Council hereby approves the Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana, regarding the joint Bloomington/Monroe County Human Rights Commission, a copy of which is attached hereto and made a part hereof. The Mayor is authorized to execute the Agreement as attested to by the City of Bloomington Clerk and Monroe County Auditor.

SECTION 2. If any sections, sentences of provisions of this resolution, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
SUE SGAMBELLURI, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
NICOLE BOLDEN, CLERK  
City of Bloomington

SIGNED and APPROVED by me up on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution approves an Interlocal Agreement between the City of Bloomington and Monroe County pursuant to state law to establish and fund a joint Bloomington/Monroe County Human Rights Commission. The agreement provides that the City of Bloomington shall be responsible for staffing the Commission, which together with staff shall engage in human rights education and awareness activities and enforce both City and County human rights ordinances; in exchange, the County shall make semi-annual payments to the City Controller to share the costs of these activities. Once approved, together with corresponding changes to the city and county human rights ordinances, a seven-member joint Bloomington/Monroe County Human Rights Commission will be made up of three Mayoral appointments, two Common Council appointments, and two appointments by the Monroe County Commissioners.

**HUMAN RIGHTS COMMISSION INTERLOCAL AGREEMENT  
BY AND BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY**

**WHEREAS**, the City of Bloomington (“City”) and Monroe County (“County”) (collectively “Entities” and singly, “Entity”) have Human Rights Ordinances that establish Human Rights Commissions; and,

**WHEREAS**, the provisions found in each Entity’s Human Rights Ordinance, except jurisdiction, are virtually identical; and,

**WHEREAS**, the duties of each Entity’s Human Rights Commission include public education and dispute resolution of Human Rights complaints for specified geographic locations, which do not overlap; and,

**WHEREAS**, staff of both the Entities routinely field calls for public education and potential complaints that have to be redirected to the other Entity; and,

**WHEREAS**, the Entities believe that a single point of contact for both public education and dispute resolution provides a more effective and efficient service to the community;

**WHEREAS**, the Entities are empowered pursuant to Indiana Code § 36-1-7 to contract together on the basis of mutual advantage to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local government; and

**WHEREAS**, the Entities agree that creating a combined City-County Human Rights Commission (“Commission”) to conduct public education and resolve complaints will be an efficient and effective way to provide excellent service on human rights matters to citizens of both Entities; and

**WHEREAS**, the Entities have amended their respective codes to create and empower the Commission;

**NOW, THEREFORE**, in consideration of the mutual terms, covenants, and conditions herein agreed, the parties agree as follows:

1. The initial term of this Interlocal Cooperation Agreement shall be for three (3) years, commencing January 1, 2023, and ending on December 31, 2025. The Agreement may be renewed for additional terms of up to five (5) years, with any necessary modifications to terms, by mutual agreement by the Entities and approval from the relevant City and County authorities.
2. Either party may terminate the Agreement with twelve (12) months’ notice to the other party.
3. The City agrees to do the following in support of the Commission:



- a. Enforce the Monroe County Human Rights Commission Ordinance in the Unincorporated areas of Monroe County, including:
      - i. Conduct investigations of discrimination complaints arising in those areas; and
      - ii. Provide support to Human Rights Commission members regarding findings required and appropriate dispensation of discrimination complaints.
    - b. Provide staffing for the Commission meetings;
    - c. Promote awareness and understanding of problems with illegal discrimination and conduct programs to educate the community on Human Rights issues; and,
    - d. Provide an annual report to the County Commissioners in February of each year, beginning in 2024, documenting the efforts made under the Human Rights Ordinances and this agreement.
4. Except as provided in Section 5, the County agrees to pay the City annually the following amounts to help fund the operations of the Commission:
  - a. Half the portion of the City salary plus benefits of the Human Rights Director for the given contract year (i.e. including any raises or cost of living increases from the prior year), attributable to human rights functions. For the initial 3-year term of this Agreement, that portion is 70%.
  - b. Half the portion of the City salary plus benefits of a human rights support staff member (however titled) for the given contract year (i.e. including any raises or cost of living increases from the prior year), attributable to human rights functions. For 2023, that portion is 65%. For 2024-25, that portion shall be 60%.
5. The County's total contribution for calendar year 2023 shall be Thirty-Five Thousand Dollars (\$35,000).
6. The payments specified in Section 4 are contingent on annual appropriation of the funds by the Monroe County Council.
7. Payments shall be made semi-annually to the Controller of the City of Bloomington, upon the timely submission by the City of a claim. Such claims should be submitted to the Monroe County Board of Commissioners, Room 322, Courthouse, Bloomington, Indiana 47404.
8. The City and the County departments affected by the terms of this Agreement will continue to communicate and cooperate to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of the respective political subdivisions.

**THE PARTIES**, intending to be bound, have executed this HUMAN RIGHTS COMMISSION INTERLOCAL AGREEMENT on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF BLOOMINGTON

MONROE COUNTY COMMISSIONERS

\_\_\_\_\_  
JOHN HAMILTON, MAYOR

\_\_\_\_\_  
JULIE THOMAS, PRESIDENT

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
LEE JONES, COMMISSIONER

DATE: \_\_\_\_\_

\_\_\_\_\_  
PENNY GITHENS, VICE PRESIDENT

DATE: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, CLERK

\_\_\_\_\_  
CATHERINE SMITH, COUNTY AUDITOR

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 23-09 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: the Creation of a Joint City-County Human Rights Commission**

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#### **Synopsis**

This ordinance approves of changes to Title 2 (“Administration and Personnel”) of the Bloomington Municipal Code in order to create and empower a joint Bloomington/Monroe County Human Rights Commission, which will replace the City and County individual Human Rights Commissions.

#### **Relevant Materials**

- Ordinance 23-09
  - Appendix 1, Bloomington Municipal Code Chapter 2.23 as Modified by the Proposed Ordinance 23-09 (Redline)
- [updated material] Staff memo from Beth Cate, Corporation Counsel, and Beverly Calender-Anderson, Director, CFRD [*please note that staff provided an updated memo on April 20, 2023, with edits highlighted in red*]
- Monroe County Ordinance 2010-44
- Related resolution and interlocal agreement can be found in materials for proposed Resolution 23-07

#### **Summary**

Ordinance 23-09 amends Title 2 of the Bloomington Municipal Code to reflect the creation of a joint city-county commission, a proposal that will come to Council through both this ordinance and through an upcoming resolution. The proposal is the result of discussions between city and Monroe County officials.

#### **History:**

The City of Bloomington Human Rights Commission (HRC) was first established as the Human Relations Commission by [Ordinance 65-02](#), amended by [Ordinance 68-15](#), and was later renamed and reorganized by both [Ordinance 70-37](#) and [Ordinance 83-6](#). Most recently, [Ordinance 23-02](#) transferred the primary responsibilities of the Bloomington HRC from the Legal Department to the Community and Family Resources Department. Under Municipal Code Section 2.23.130, as relocated from Section 2.21.040, the Commission currently calls for seven members, four appointed by the mayor and three appointed by the Council.



The Monroe County Human Rights Commission was established by the [Monroe County Human Rights Ordinance](#) in 2010, which was last amended in 2017. The County Commission also has seven members, all appointed by the Monroe County Board of Commissioners.

The County ordinance mirrors the Bloomington Municipal Code to the extent that most provisions, including definitions, are identical or nearly identical between the two local governing entities.

Notably, the current differences between the Bloomington and Monroe County ordinances that govern each respective Commission are as follows: the City includes more protections for veterans and requires affirmative action by city contractors, the County carves out additional permissive practices for employers regarding employees with disabilities, and only the City limits the Commission's authority to voluntary investigations and mediation regarding complaints of housing status discrimination.

[Ordinance 23-09](#) reflects the codification of combining the two Commissions, with changes to be reflected in the Bloomington Municipal Code. A redline version of the affected code is attached to the ordinance to show the proposed text edits.

Please note that a separate resolution approving of an interlocal agreement between the City and County will be introduced at the same time that this ordinance will be scheduled for a potential vote at the May 3, 2023 Regular Session. Under state code, two entities who wish to jointly exercise power must enter into a written agreement approved by ordinance or resolution. [Ind. Code 36-1-7-2](#).

The combined Commission would still have seven members, with three appointed by the Mayor, two by the Common Council, and two by the Monroe County Commissioners. Members appointed by the City must be City residents, and members appointed by the County must be County residents. Information on the proposed changes and their expected fiscal impact are available in the staff memo.

### Contact

Audrey Brittingham, Assistant City Attorney, [audrey.brittingham@bloomington.in.gov](mailto:audrey.brittingham@bloomington.in.gov), 812-349-3426

Beth Cate, Corporation Counsel, [beth.cate@bloomington.in.gov](mailto:beth.cate@bloomington.in.gov), 812-349-3426

Beverly Calender-Anderson, Director of Community and Family Resources Department, [andersb@bloomington.in.gov](mailto:andersb@bloomington.in.gov), 812-349-3430

**ORDINANCE 23-09**

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
“ADMINISTRATION AND PERSONNEL”**

**Re: the Creation of a Joint City-County Human Rights Commission**

- WHEREAS, the City of Bloomington (“City”) created the Bloomington Human Rights Commission in 1970 through adoption of Ordinance 70-37; and
- WHEREAS, Monroe County created the Monroe County Human Rights Commission in 2010 through adoption of Ordinance 2010-44; and
- WHEREAS, the provisions found in the City and County Human Rights Ordinances, except jurisdiction, are virtually identical; and
- WHEREAS, the duties of each Human Rights Commission include public education and dispute resolution of Human Rights complaints for specified geographic locations, which do not overlap; and
- WHEREAS, staff of both the City and the County routinely field calls for public education and potential complaints that have to be redirected to the other entity; and
- WHEREAS, the City and County believe that a single point of contact for both public education and dispute resolution provides a more effective and efficient service to the community; and
- WHEREAS, the City and County are empowered pursuant to Indiana Code § 36-1-7 to contract together on the basis of mutual advantage to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local government; and
- WHEREAS, the City and County agree that creating a combined Bloomington/Monroe County Human Rights Commission (“Commission”) to conduct public education and resolve complaints will be an efficient and effective way to provide excellent service on human rights matters to residents of both the City and the County; and
- WHEREAS, the City and County have entered into an Interlocal Agreement duly authorized by City and County authorities and setting out their mutual obligations to support and fund the Commission’s functions; and
- WHEREAS, the City and County wish to amend their respective codes to create and empower the Commission; and
- WHEREAS, Appendix 1 to this Ordinance contains the amendments required in Chapter 2.23 of the Bloomington Municipal Code to achieve this goal, plus certain stylistic edits for consistency;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

SECTION 1: To create and empower a joint Bloomington/Monroe County Human Rights Commission to better serve residents of the City of Bloomington and Monroe County, Title 2, Chapter 2.23 of the Bloomington Municipal Code is hereby amended as provided in Appendix 1 to this Ordinance.

SECTION 2: Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
SUE SGAMBELLURI, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance approves of changes to Title 2 (“Administration and Personnel”) of the Bloomington Municipal Code in order to create and empower a joint Bloomington/Monroe County Human Rights Commission, which will replace the City and County individual Human Rights Commissions.

**APPENDIX 1:**  
**CHAPTER 2.23 AS MODIFIED BY THE PROPOSED ORDINANCE 23-09 (Redline)**

red underlined text = proposed additions  
red strikethrough = proposed deletions

\*\*\*

Chapter 2.23 – COMMUNITY AND FAMILY RESOURCES DEPARTMENT

Sections:

**2.23.100 Bloomington/Monroe County Human Rights ~~Commission~~ Commission —  
Establishment.**

There is hereby established within the **City's** Community and Family Resources Department **a the Bloomington/Monroe County Human Rights Commission** ~~pursuant to Section 2.23.110.~~

**2.23.110 Public policy and purpose.**

**(1)** It is the policy of the City, **and of the County upon appropriate county authority**, that it does not discriminate in the provision or implementation of its programs and services on the basis of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran. It is the public policy of the City, **and of the County upon appropriate county authority**, to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property, including, but not limited to: housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

It is also against the public policy of the City, **and of the County upon appropriate county authority**, and a discriminatory practice for an employer to discriminate against a prospective employee on the basis of status as a veteran by:

~~(1A)~~ Refusing to employ an applicant for employment on the basis that the applicant is a veteran of the armed forces of the United States; or

~~(2B)~~ Refusing to employ an applicant for employment on the basis that the applicant is a member of the Indiana National Guard or member of a reserve component.

The practice of denying these rights to persons because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the City, **and of the County upon appropriate county authority**, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran is the purpose of this section.

**(2)** It is also the public policy of the City, **and of the County upon appropriate county authority**, to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

**(3)** It is hereby declared to be contrary to the public policy of the City, **and of the County upon appropriate county authority**, and an unlawful practice to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin,

ancestry, sexual orientation, gender identity, disability, housing status, status as a veteran, or familial status.

(4) It is also the public policy of the City of Bloomington to prohibit discrimination against or harassment of individuals, including employees, independent contractors, volunteers, interns, and any others doing sanctioned work for the City. Any such individual who believes she, he, or they have been discriminated against or harassed by a City employee has a right to bring a complaint to the attention of City officials, who will investigate the complaint promptly and take appropriate action. All contracts with the City shall include a clause explaining this right.

### 2.23.120 Definitions.

As used in this chapter unless the context clearly requires otherwise:

(1) "Acquisition of real property" means the sale, rental, lease, sublease, construction or financing, including negotiations and other activities or procedures incident thereto, of:

(A) Any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters;

(B) Any building, structure, or portion thereof, or any improved or unimproved land utilized, or designed or intended for utilization, for business, commercial, or industrial or agricultural purposes; or

(C) Any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

(2) "Affirmative action" means those acts which the ~~commission~~**Commission** deems necessary to assure compliance with the City **and County, upon appropriate county authority**, human rights ordinance.

(3) "Ancestry" refers to both the country from which a person's ancestors came and the citizenship of a person's ancestors.

(4) "Commission" means the **Bloomington/Monroe County** Human Rights Commission hereinafter created.

(5) "Commission attorney" means the City attorney, or such assistants of the City attorney as may be assigned to the ~~commission~~**Commission**, or such other attorney as may be engaged by the ~~commission~~**Commission** or voluntarily lend their services to the ~~commission~~**Commission**.

(6) "Compensation" or "compensatory damages" means actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions, or fringe benefits.

(7) "Complainant" means any individual charging on their own behalf to have been personally aggrieved by a discriminatory practice or the ~~commission~~**Commission** attorney, a member of the ~~Human Rights~~ Commission, or the ~~commission~~**Commission** director charging that a discriminatory practice was committed against a person, other than themselves, or a class of people in order to vindicate the public policy of the State as defined in Indiana Code 22-9-1-2, and the public policy of the City **and the County upon appropriate county authority**, as defined in Section 2.23.110.

(8) "Complaint" means any written grievance filed by a complainant with the ~~commission~~**Commission** director. The original shall be signed and verified before a notary public or another person duly authorized by law to administer oaths and take acknowledgments. Notarial service shall be furnished by the City without charge.

(9) "Consent agreement" means a formal agreement entered into in lieu of adjudication.



(10) "Disability" means with respect to a person: (i) a physical or mental impairment that substantially limits one or more of the person's major life activities; (ii) a record of having an impairment described in subdivision (i) above; or (iii) being regarded as having an impairment described in subdivision (i) above. "Disability" shall not include circumstances exempted from the definition of "disability" or "disabled" under federal and state law.

(11) "Discriminatory practice" means the exclusion of a person by another person from equal opportunities because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran; or a system which excludes persons from equal opportunities because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran or the promotion or assistance of segregation or separation in any manner on the basis of the above categories; provided, it shall not be a discriminatory practice for an employment agency to refer for employment any individual, or a joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in such program on the basis of their religion, sex, or national origin in those particular instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; further provided, that it shall not be a discriminatory practice for a person to refuse to rent for occupancy as living quarters any space in owner occupied multiple dwelling structure on the basis of sex.

(12) "Educational institution" includes all public and private schools and training centers, except that the term does not include any state agency as defined in subsection (27) of this section.

(13) "Employee" includes any person employed by another for wages or salary; provided, that it shall not include any individual employed by their parents, spouse, or child.

(14) "Employer" includes any person employing six or more employees within the City **or within the unincorporated areas of Monroe County**, except that the term does not include a not-for-profit corporation or association organized exclusively for fraternal or religious purposes; nor any school, educational or charitable religious institution owned or conducted by, or affiliated with, a church or religious institution; nor any exclusively social club, corporation, or association that is not organized for profit; nor the City or **County or** any department thereof; nor any State agency as defined in subsection (27) of this section.

(15) "Employment agency" includes any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(16) "Gender identity" means a person's actual or perceived gender-related attributes, self-image, appearance, expression, or behavior, whether or not such characteristics differ from those traditionally associated with the person's assigned sex at birth.

(17) "Housing status" means the type of housing in which an individual resides, whether publicly or privately owned, or the status of not having a fixed residence, whether actual or perceived.

(18) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for mutual aid or protection in relation to employment.

(19) "Lending institution" means any bank, building or loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in making or guaranteeing loans secured by real estate or an interest therein.

(20) "National origin" refers to both the country from which a person came and the citizenship of the person.

(21) "Owner-occupied multiple-dwelling structure" includes only structures in which the owner of the premises actually resides, containing not more than three separate dwelling units, apartments, rooms, or portions of the building designed or intended for occupancy as living quarters.

(22) "Person" includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, cooperatives, legal representatives, trustees in bankruptcy, trustees, receivers, any subdivisions of the state, and other organized groups of persons.

(23) "Public accommodation" means any establishment which offers its services, facilities, or goods to the general public.

(24) "Respondent" means one or more persons against whom a complaint is filed under this chapter, and whom the complainant alleges has committed or is committing a discriminatory practice.

(25) "Sex," as it is applied to segregation or separation in this chapter, shall apply to all types of employment, education, public accommodations, and housing; provided, that it shall not be a discriminatory practice to maintain separate restrooms or dressing rooms; and that it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its members or to classify or refer for employment any individual, or for any employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any such program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and that it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one sex only.

(26) "Sexual orientation" means an individual's identity or practice as a lesbian woman, gay male, bisexual person, or heterosexual person, whether actual or perceived.

(27) "State agency" means every office, officer, board, ~~commission~~ **Commission**, council, department, division, bureau, committee, fund, agency, and without limitation by reason of any enumeration herein, every other instrumentality of the state of Indiana, every hospital, every penal institution, and every other institutional enterprise and activity of the state of Indiana, wherever located; the universities supported in whole or in part by state funds; and the judicial department of the state of Indiana. "State agency" does not mean counties, county departments of public welfare, cities, towns, townships, school cities, school towns, school townships, school districts or other municipal corporations, political subdivisions, or units of local government.

(28) "Veteran" means:

- (A) A veteran of the armed forces of the United States;
- (B) A member of the Indiana National Guard; or
- (C) A member of a reserve component.

### **2.23.130 Appointments.**

The seven members of the ~~Human Rights~~ Commission shall be appointed ~~four~~ **three** by the Mayor, ~~three~~ **two** by the Common Council, **and two by the Monroe County Commissioners, pursuant to the appropriate county authority.**

### **2.23.140 Qualifications.**

Members of the ~~Human Rights~~ Commission shall be representative of the community and shall be City **or, in the case of the Monroe County Commissioner appointees, City or County** residents.

### 2.23.150 Rules and regulations.

- (1) The Commission may adopt rules and regulations, both procedural and substantive, to effectuate the purpose of this chapter and to make more specific the procedures deemed necessary for orderly and equitable compliance with this section.
- (2) ~~The Commission may adopt n~~New rules, regulations, and guidelines ~~may be adopted by majority vote the Commission~~ after a public hearing ~~by a majority vote of the Commission~~.
- (3) The rules, regulations, and guidelines of the Commission shall be available to the public at the office of the Community and Family Resources Department.

### 2.23.160 Powers and duties.

The ~~commission~~**Commission** shall have the following powers and duties:

- (1) To create subcommittees and advisory committees as in its judgment will aid in effectuating the purpose of this section.
- (2) To issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, religion, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, veteran status, or familial status.
- (3) To investigate complaints filed with the ~~commission~~**Commission**.
  - (A) Complaints of discrimination shall be received and investigated by the ~~commission~~**Human Rights** director.
  - (B) A complaint shall be sufficiently complete so as to reflect properly the name and address and/or other contact information of the complainant; the name and address of respondent against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice; if it is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action.
  - (C) No complaint shall be valid unless filed within one-hundred-eighty (180) days from the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union; provided, that complaints filed only with the Equal Employment Opportunity Commission shall be deemed to have been filed simultaneously with the **Bloomington/Monroe County** Human Rights Commission for purposes of measuring the one-hundred-eighty (180) day limitation, as long as the complaint is otherwise within the ~~commission's~~**Bloomington/Monroe County Human Rights Commission's** jurisdiction; provided, further, that any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the **Bloomington/Monroe County** Human Rights Commission concerning any of the matters alleged in such complaint; provided, further, that the **Bloomington/Monroe County Human Rights Commission**~~commission~~ shall have no jurisdiction over the State or any of its agencies, or over the City or any of its departments.
  - (D) After a complaint is scheduled for a public hearing, the ~~commission~~**Commission** shall make reasonable efforts to conciliate all issues raised during the investigation of the case.
- (4) To determine jointly with an attorney from the legal department whether probable cause exists to believe that discrimination in violation of the Bloomington Municipal Code Section 2.23.100 et seq. occurred. A probable cause commissioner shall be assigned to each complaint

filed on the date it is filed and shall participate jointly with the director and assist in the investigation of the complaint. The director, after consultation with the attorney from the legal department, shall make a written recommendation of cause or no cause setting forth relevant facts and applicable legal authority to submit it to the designated probable cause commissioner. The commissioner shall review the director and legal department's joint recommended finding, and shall make a written determination of cause or no cause setting forth the relevant facts and applicable law. The probable cause commissioner shall follow applicable legal standards set forth by the director and attorney in making the determination.

(5) To schedule complaints for public hearings upon a determination of probable cause. When the recommendation after the investigation is no probable cause, the complainant shall be furnished a copy of the findings of no probable cause and recommendation and shall be given ten days to make a written request, with the reasons therefore, to the chairperson of the ~~commission~~**Commission** for review of the finding. Upon the receipt of the request for review, the chairperson or designee shall review the request and the decision of the reviewing commissioner regarding probable cause shall be final. Whenever a commissioner reviews a decision at the request of a complainant, such commissioner shall be disqualified from any further participating in that case, except as a witness at a public hearing on the complaint.

(6) To prevent any person from discharging, expelling, or otherwise discriminating against any other person because they filed a complaint or testified in any hearing before the ~~commission~~**Commission** or in any way assisted in any matter under investigation.

(7) To issue a temporary emergency order against any person requiring such person to do an act preserving the possibility of a remedy for a complaint or to refrain from doing an act damaging the possibility of a remedy during the investigation of the complaint; provided, however:

(A) That no emergency order shall be issued unless a time and place for hearing on the temporary order is designated in the order;

(B) That the hearing on the temporary emergency order shall be held within ten days following the issuance of the temporary order, unless contained by the ~~commission~~**Commission** at the request of the respondent. At such hearing, the complainant shall show that a failure to continue the temporary order would damage their remedy. The ~~commission~~**Commission** shall thereupon weigh the comparative hardship to the complainant and respondent and issue a decision continuing or terminating the temporary emergency order, pending final disposition of the complaint. The respondent may waive said hearing without prejudice to the defense of the matters charged in the complaint, in which case the temporary order shall remain in effect pending final disposition of the complaint;

(C) The ~~commission~~**Commission** may by rule provide for issuance of its temporary order by a majority of the ~~commission~~**Commission**, and it may compel compliance with any such temporary order by bringing in Monroe Circuit Court or other appropriate court for prohibitory or mandatory injunction upon showing that such person is subject to the court's jurisdiction, resides or transacts business within the county in which the proceeding is brought, and that such injunction is necessary to protect the complainant's rights under this chapter until their complaint is resolved through conciliation or public hearing.

(8) To reduce the terms of conciliation agreed to by the parties in writing, to be called a consent agreement, which the parties and a majority of the commissioners shall sign. When so signed, the consent agreement shall have the same effect as a cease and desist order pursuant to subsection (10) of this section. If the ~~commission~~**Commission** determines that a party to the consent agreement is not complying with it, the ~~commission~~**Commission** may obtain enforcement of the consent agreement in Monroe Circuit Court or other appropriate court upon showing that the party is not complying with the consent agreement, and the party is subject to the ~~commission~~**Commission**'s jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(9) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath and require the production for examination of all books and papers relating to any matter under investigation or in question before the ~~commission~~**Commission**. The ~~commission~~**Commission** may make rules governing the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena or temporary emergency order issued pursuant to this section shall be a breach of this chapter and such person shall be liable to a penalty therefore, if adjudged by the Monroe Circuit Court or other appropriate court, of the payment of a penalty not to exceed three hundred dollars. Each penalty shall be deposited in the general fund of the City; provided, however, that the payment of such penalty by a party shall not impair the ~~commission~~**Commission**'s ability to grant affirmative relief and compensatory damages to the complainant, should justice so require.

(10) To state its findings of fact after hearing which statement shall be made in a written opinion containing both the findings of fact and the principles of law applied. All written opinions shall be compiled and maintained as public record and, in making decisions, the ~~commission~~**Commission** shall give due consideration to its prior decisions which may be applicable. If a majority of the commissioners who hear the case finds that a person has engaged in unlawful discriminatory practice, the ~~commission~~**Commission** shall cause to be served on the person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action necessary to effectuate the purposes of this section.

### **2.23.170 Duties upon a finding of discrimination.**

(1) If unlawful discrimination is found in the area of employment, an order shall be issued requiring the respondent to take such affirmative action the ~~commission~~**Commission** may deem necessary to assure justice, including but not limited to hiring, reinstatement, and upgrading of employees or people deprived of employment, with or without compensatory damages to which the complainants would have been entitled had they not been deprived of equal opportunity, meaning wages, salary, or commissions. When an employer has been found to have committed a discriminatory practice in employment by failure to employ an applicant on the basis that the applicant is a veteran, the order to restore the veteran's losses may include placing the veteran in the employment position with the employer for which the veteran applied.

(2) If unlawful discrimination is found in the area of housing or acquisition of real property, an order may be issued requiring a respondent to take affirmative action, including but not limited to renting, selling, or leasing to a person deprived of equal opportunity. Compensation for the denial of equal opportunity shall be allowed within the discretion of the ~~commission~~**Commission**.

(3) If unlawful discrimination is found in the area of public accommodation, an order shall be issued requiring respondent to take affirmative action, including but not limited to providing services, goods, or access to property, instatement of membership, reinstatement of membership, posting of notice that a facility is a public accommodation, with or without compensatory damages for a complainant's being denied equal opportunity.

(4) If unlawful discrimination is found in the area of education, an order may be issued requiring a respondent to take affirmative action, including, but not limited to, a review and revision of school boundaries, revision of teaching aids and materials, human relations training for personnel recruitment of minority people for professional staff, with or without compensatory damages to which the complainant would have been entitled except for the denial of equal opportunity.

(5) If upon all the evidence, the ~~commission~~**Commission** finds that a person has not engaged in any such unlawful practice or violation of this section, the ~~commission~~**Commission** shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such person.

(6) Judicial review of such cease and desist order, or other final order, or other affirmative action or damages as referred to in this chapter may be obtained by filing in the Monroe Circuit



Court or other appropriate court. The scope of review shall be in accordance with the provisions set out in Indiana Code 4-21.5-1 et seq. If no proceeding to obtain judicial review is instituted within thirty calendar days from the receipt of notice by a person that such order has been made by the ~~commission~~**Commission**, the ~~commission~~**Commission**, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of such order in the Monroe Circuit Court or other appropriate court upon showing that such person is subject to the ~~commission~~**Commission**'s jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought, or may request the ~~commission~~**Commission** attorney or attorney representing the complainant to seek enforcement.

### **2.23.180 Affirmative Action by City Contractors.**

**(1) This section only applies to contractors doing business with the City of Bloomington.**

**(2)** All contractors doing business with the City, except those specifically exempted by regulations promulgated by the **City-appointed members of the human rights ~~commission~~Commission** and approved by the ~~common~~**Common ~~council~~Council**, shall take affirmative action to ensure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran. Affirmative action shall include but not be limited to the issuance of a statement of policy regarding equal employment and its communication to all personnel involved in recruitment, hiring, training, assignment, and promotion; notification of all employment sources of company policy and active efforts to review the qualifications of all applicants regardless of religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran; recruiting in the minority group community for employees; and establishing an internal system of reporting concerning equal employment, recruiting, hiring, training, upgrading and the like.

**(3)** Each such contractor shall submit to the ~~H~~**Human ~~R~~ights ~~commission~~Commission** a written proposal concerning the affirmative action it proposes to take, which proposal must be approved prior to its entering a contract with the City. Said proposal shall be limited to measures similar to those which the City is required to take in its affirmative action with regard to its own employees, as established by the ~~m~~**Mayor's** office and as specified by resolution of the ~~C~~**Common ~~C~~ouncil**.

**(4)** Each such contractor shall also submit to the ~~h~~**Human ~~R~~ights ~~commission~~Commission** its policy prohibiting harassment in the workplace. The policy must include a definition of harassment, the name or title of the individual(s) designated to receive and investigate complaints, and a statement that the contractor will not retaliate against an employee for complaining about harassment.

**(5)** All contracting agencies of the City or any department thereof shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor to take affirmative action to ensure that the applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran.

**(6)** Such contracts shall provide further that breach of the obligation to take affirmative action shall be a material breach of the contract for which the City shall be entitled, at its option:

- (A) To cancel, terminate, or suspend the contract in whole or in part;
- (B) To declare the contractor or vendor ineligible for further City contracts;
- (C) To recover liquidated damages of a specified sum.

### **2.23.190 Educational programs.**

In order to eliminate prejudice ~~among the various groups in the City~~ and to further goodwill among ~~such groups~~ residents, the ~~commission~~ **Commission** may prepare educational programs designed to emphasize and remedy the denial of equal opportunity because of a person's religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran, its harmful effects, and its incompatibility with the principles of equality.

### **2.23.200 Relationship with Civil Rights Commission.**

The ~~commission~~ **Commission** may enter into a working relationship with the Indiana Civil Rights Commission to perpetuate the mutual objectives set forth in this chapter and the Indiana Civil Rights Law.

### **2.23.210 Housing discrimination.**

This section applies only to cases alleging housing discrimination.

#### **(a1) Definitions:**

~~(1A)~~ **(1A)** "Familial status" means one or more individuals (who have not obtained the age of eighteen years) being domiciled with a parent or another person having legal custody of such individual(s) or the written permission of such parent or other person. The protections against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual who has not attained the age of eighteen years.

~~(2B)~~ **(2B)** "Dwelling" means any building, structure, or part of a building or structure, that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building structure or part of a building or structure that is occupied as, or designed or intended for occupancy by one or more families.

~~(3C)~~ **(3C)** "To rent" includes to lease, to sublease, to let or otherwise to grant for consideration the right to occupy the premises not owned by the occupant.

~~(4D)~~ **(4D)** "Discriminatory housing practice" includes: ~~(Ai)~~ **(Ai)** practices prohibited by 2.23.120(11) of this code, ~~(Bii)~~ **(Bii)** refusing to rent to an individual or family on the basis of familial status, ~~(Ciii)~~ **(Ciii)** refusing to allow a tenant with a disability, as defined by Section 2.23.120(10), to make reasonable modifications of the rented premises at the tenant's expense if such modifications are necessary to afford the tenant full enjoyment of the premises. The landlord may, where it is reasonable to do so, condition permission for the modification(s) on the tenant's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may require the tenant to acquire any necessary permits and to perform the modifications in a workmanlike standard. ~~(Div)~~ **(Div)** Refusing to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a tenant with a disability, as that term is defined by Section 2.23.120(10), equal opportunity to use and enjoy a dwelling.

#### **(b2) Exemptions.**

~~(1A)~~ **(1A)** Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

~~(2B)~~ Nothing in this section shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall anything in this section prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

~~(3C)~~ Nothing in this section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

~~(4D)~~ Nothing in this section regarding familial status applies with respect to housing for older persons, as defined below. As used in this section, "housing for older persons" means housing:

~~(A)~~ Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development designed and operated to assist elderly persons (as defined in the state or federal program); or

~~(B)~~ Intended for, and solely occupied by, persons sixty-two years of age or older; or

~~(C)~~ Intended and operated for occupancy by at least one person fifty-five years of age or older per unit if the following requirements are met: ~~(i)~~ the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and ~~(ii)~~ that at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and ~~(iii)~~ the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

~~(5E)~~ Nothing in this section applies to the following:

~~(A)~~ The sale or rental of a single-family house sold or rented by an owner if:  
~~(i)~~ The owner does not own more than three single-family houses at any one time or own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of, more than three single-family houses at any one time; and ~~(ii)~~ The house was sold or rented without the use of the sales or rental facilities or services of a real estate broker, agent, or salesperson licensed under state law.

~~(B)~~ The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the living quarters as the owner's residence.

### **2.23.220 Hate crime statistics.**

The Bloomington/**Monroe County** Human Rights Commission may collect data and issue reports on the incidence of hate crimes in ~~the City's~~ **jurisdiction**. Hate crimes include verbal or physical abuse directed at individuals or groups because of their religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran.



### **2.23.230 Complaints of housing status discrimination.**

In complaints of discrimination on the basis of housing status discrimination, the ~~commission's~~ **Commission's** authority shall typically be limited to voluntary investigations and voluntary mediation.



## Memorandum

TO: Members of the City of Bloomington Common Council

FROM: Beth Cate, Corporation Counsel  
Beverly Calender-Anderson, Director, Community and Family Resources Dept.

RE: Ordinance 23-09 amending Title 2 to create and reflect a joint  
Bloomington/Monroe County Human Rights Commission

DATE: April 17, 2023

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On February 23, 2023, the Common Council unanimously passed Ordinance 23-02, amending Title 2 of the Bloomington Municipal Code to (1) transfer the City of Bloomington's Human Rights Commission from the Legal Department to the Community and Family Resources Department (CFRD), while retaining necessary legal support for the Commission's functions; and (2) make certain stylistic edits and updates to the language of the City's Human Rights Ordinance.

At the time, Legal and CFRD indicated that negotiations were underway with Monroe County government to create a joint city-county Human Rights Commission, and that we anticipated bringing to Council a subsequent ordinance that would further amend Title 2, and a corresponding interlocal agreement with the County, to achieve this.. The City and County have successfully negotiated the creation of a joint Commission for the benefit of residents throughout the City and the unincorporated areas of the County. Accordingly, we are bringing to Council Ordinance 23-09, which makes the necessary changes to the City's Human Rights Ordinance to create and reflect the joint Commission, and Resolution 23-07, which would approve the interlocal agreement the City and County have negotiated.

Briefly, under the interlocal agreement, the City will staff the joint Commission meetings; investigate and resolve with the Commission complaints of discrimination under the City and County human rights ordinances (applying whichever ordinance is relevant given the specifics of each complaint); continue to ensure compliance by City contractors with the City's affirmative action requirements; engage in human rights education and awareness activities; and provide an annual report to the County Commissioners on activities under the agreement, in February of each year beginning February 2024.

In exchange, the County will contribute annually to Human Rights staffing by paying half of the total salary and benefits of the Human Rights Director and the Human Rights administrative support staff position, dedicated to human rights activities as a percentage of their overall work time.

That calculation for 2023, prorated for a start to the joint Commission in Q2, comes out to approximately \$35,000, and the County will pay that amount in 2023. The interlocal provides the relevant percentages of time for each of the two positions (director and support staff) for 2024-25. The interlocal has an initial 3-year term, to allow for early adjustments as needed based on experience, and then may be renewed for 5-year terms thereafter.

County legal staff are bringing the interlocal and corresponding County code revisions to the Commissioners and County Council. Once all approvals are obtained, a seven-member joint Bloomington/Monroe County Human Rights Commission will be established to replace the separate existing Bloomington and Monroe County Human Rights Commissions, and the members of the new joint Commission will be appointed by the mayor (three appointments), Common Council (2 appointments), and Commissioners (2 appointments).

**ORDINANCE 2010- 44**

An ordinance to amend the Monroe County Code concerning.

**WHEREAS**, the Monroe County Commissioners desire to revise Chapter of the Monroe County Code to add chapter 520 Monroe County Human Rights Ordinance; and,

**WHEREAS**, the Monroe County Commissioners find that the proposed amendments would promote the health, safety, comfort and general welfare of the citizens of Monroe County.

**NOW, THEREFORE**, be it ordained by the Board of Commissioners of Monroe County, Indiana that Chapter is amended add Chapter 520 which shall read as follows:

**CHAPTER 520 MONROE COUNTY HUMAN RIGHTS ORDINANCE**

520-1 Human Rights Commission--Establishment. There is hereby created a Human Rights Commission.

520-2. Policy. It is the policy of the County that it does not discriminate in the provision or implementation of its programs and services on the basis of race, religion, color, sex, national origin, ancestry, sexual orientation or disability. It is the public policy of the Monroe County to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, sexual orientation or disability, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

The practice of denying these rights to persons because of race, religion, color, sex, national origin, ancestry, sexual orientation, or disability is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the county, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race,

religion, color, sex, national origin, ancestry, sexual orientation or disability is the purpose of this Section.

It is also the public policy of the county to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

It is hereby declared to be contrary to the public policy of the county and an unlawful practice to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood or subdivision of a person or persons of a particular race, religion, color, sex, national origin, ancestry, sexual orientation or disability.

520-3 Definitions. As used in this chapter unless the context clearly requires otherwise:

(1) "Acquisition of real property" means the sale, rental lease, sublease, construction or financing, including negotiations and other activities or procedures incident thereto, of:

(a) Any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters; or

(b) Any building, structure, or portion thereof, or any improved or unimproved land utilized, or designed or intended for utilization, for business, commercial, or industrial or agricultural purposes; or

(c) Any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

(2) "Affirmative Action" means those acts which the Commission deems necessary to assure compliance with the county human rights ordinance.

(3) "Ancestry" refers to both the country from which a person's ancestors came and the

citizenship of a person's ancestors.

(4) "Commission" means the Human Rights Commission hereinafter created.

(5) "Commission attorney" means the county attorney, or such assistants of the county attorney as may be assigned to the commission, or such other attorney as may be engaged by the commission or voluntarily lend his/her services to the commission.

(6) "Compensation" and "compensatory damages" mean actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions or fringe benefits.

(7) "Complainant" means any individual charging on his own behalf to have been personally aggrieved by a discriminatory practice or the commission attorney or a commissioner to the Monroe County Human Rights Commission charging that a discriminatory practice was committed against a person, other than himself, or a class of people in order to vindicate the public policy of the state as defined in Indiana Code 22-9-1-2, and the public policy of the county as defined in Section 520-2.

(8) "Complaint" means any written grievance filed by a complainant with the Monroe County Human Rights Commission. The original shall be signed and verified before a notary public or another person duly authorized by law to administer oaths and take acknowledgments.

(9) "Consent Agreement" means a formal agreement entered into in lieu of adjudication.

(10) "Discriminatory practice" means the exclusion of a person by another person from equal opportunities because of race, religion, color, sex, national origin, ancestry, sexual orientation or disability; or a system which excludes persons from equal opportunities because of race, religion, color, sex, national origin, ancestry, sexual orientation, or disability or the promotion or assistance of segregation or separation in any manner on the basis of the above categories; provided, it shall not

be a discriminatory practice for an employment agency to refer for employment any individual, or for a joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in such program on the basis of his religion, sex or national origin in those particular instances where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; further provided, that it shall not be discriminatory practice for a person to refuse to rent for occupancy as living quarters any space in owner occupied multiple dwelling structure on the basis of sex; provided, further, it shall not be a discriminatory practice for an employer to fail to employ or retain as an employee any person who because of a disability is physically or otherwise unable to efficiently and safely perform, at the standards set by the employer, the duties required by that job; provided, further, it shall not be a discriminatory practice to fail to promote or transfer a person with a disability to another job or occupation after he or she is employed unless, prior to such transfer, such person with a disability is by training or experience qualified for such job or occupation;

(11) "Educational institution" includes all public and private schools and training centers, except that the term does not include any state agency as defined in subsection (24) of this section.

(12) "Employee" includes any person employed by another for wages or salary; provided, that it shall not include any individual employed by his parents, spouse or child,

(13) "Employer" includes any person employing six or more employees within Monroe County, but outside the Municipal limits of any city or town located within Monroe County, except that the term does not include not-for-profit corporation or association organized exclusively for fraternal or religious purposes; nor any school, educational or charitable religious institution owned

or conducted by, or affiliated with, a church or religious institution; nor any exclusively social club, corporation or association that is not organized for profit; nor the county or any department thereof; nor any state agency as defined in subsection (24) of this section.

(14) "Employment Agency" includes any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(15) "Disabled" means:

(A) With respect to a person:

- (i) a physical or mental impairment that substantially limits one or more of the person's major life activities;
- (ii) a record of having an impairment described in subdivision (i); or
- (iii) being regarded as having an impairment described in subsection (i).

(B) The term "disabled" does not include the following: current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)), homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, compulsive gambling, kleptomania, pyromania or psychoactive substance use disorders resulting from current illegal use of drugs.

(16) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for mutual aid or protection in relation to employment.

(17) "Lending institution" means any bank, building and loan association, insurance company, or other corporation, association, firm or enterprise whose business consists in whole or



part in making or guaranteeing loans secured by real estate or an interest therein.

(18) "National origin" refers to both the country from which a person came and the citizenship of the person.

(19) "Owner-occupied multiple-dwelling structure" includes only structures in which the owner of the premises actually resides, containing not more than three separate dwelling units, apartments, rooms or portions of the building designed or intended for occupancy as living quarters.

(20) "Person" includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, cooperatives, legal representatives, trustees in bankruptcy, trustees, receivers, any subdivisions of the state, and other organized groups of persons.

(21) "Public accommodation" means any establishment which offers its services, facilities, or goods to the general public.

(22) "Respondent" means one or more persons against whom a complaint is filed under this chapter, and whom the complainant alleges has committed or is committing a discriminatory practice.

(23) "Sex" as it is applied to segregation or separation in this chapter, shall apply to all types of employment, education, public accommodations, and housing; provided, that it shall not be a discriminatory practice to maintain separate rest rooms or dressing rooms; and that it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its members or to classify or refer for employment any individual, or for any employer labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any such program on the basis of sex

in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and that it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one sex only.

(24) "Sexual orientation" means an individual's identity or practice as a lesbian woman, gay male, bisexual person or heterosexual person, whether actual or perceived.

(25) "State agency" means every office, officer, board, commission, council, department, division, bureau, committee, fund, agency, and without limitation by reason of any enumeration herein, every other instrumentality of the state of Indiana, every hospital, every penal institution and every other institutional enterprise and activity of the state of Indiana, wherever located; the universities supported in whole or in part by state funds; and the judicial department of the state of Indiana. "State agency" does not mean counties, county departments of public welfare, cities, towns, townships, school cities, school towns, school townships, school districts or other municipal corporations, political subdivisions, or units of local government. (

520-4 Appointments. The seven members of the Human Rights Commission shall be appointed by the Monroe County Board of County Commissioner.

520-5 Qualifications. Members of the Human Rights Commission shall be representative of the community and shall be Monroe County residents.

520-6 Rules and regulations. The Commission may adopt rules and regulations, both procedural and substantive, to effectuate the purpose of this chapter and to make more specific the procedures deemed necessary for orderly and equitable compliance with this section.

New rules, regulations, and guidelines may be adopted by the commission after a public

hearing by a majority vote of the commission.

The rules, regulations, and guidelines of the commission shall be available to the public at the Monroe County Auditor's office.

520-7 Powers and duties. The commission shall have the following powers and duties:

(1) To create subcommittees and advisory committees as in its judgment will aid in effectuating the purpose of this section.

(2) To issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, religion, color, sex, national origin, ancestry or disability.

(A) To determine jointly with the legal department whether probable cause exists to believe that discrimination in violation of Monroe County Code Section 520-1 et seq. occurred. A probable cause commissioner shall be assigned to each complaint filed on the date it is filed and shall participate jointly with the legal department and assist in the investigation of the complaint. The legal department shall make a written recommendation of cause or no cause setting forth relevant facts and applicable legal authority and submit it to the designated probable cause commissioner. The commissioner shall review the legal department's recommended finding, and shall make a written determination of cause or no cause setting forth the relevant facts and applicable law. The probable cause commissioner shall follow applicable legal standards as set forth by the legal department in making the determination.

(3) To schedule complaints for public hearings upon a determination of probable cause. When the recommendation after the investigation is no probable cause, the complainant shall be furnished a copy of the findings of fact and recommendations and shall be given ten days to make a

written request, with the reasons therefore, to the chairperson of the commission for review of the finding. Upon the receipt of the request for review, the chairperson or their designee shall review the request and the decision of the reviewing commissioner regarding probable cause shall be final. Whenever a commissioner reviews a decision at the request of a complainant, such commissioner shall be disqualified from any further participation in that case, except as a witness at a public hearing on the complaint. Complaints of discrimination shall be received and investigated by the legal department. To be acceptable to the legal department, a complaint shall be sufficiently complete so as to reflect properly the name and address of the complainant; the name and address of respondent against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice; if it is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint; together with a statement as to the status or disposition of such other action. No complaint shall be valid unless filed within one hundred and eighty days from the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union; provided, that complaints filed only with the Equal Employment Opportunity Commission shall be deemed to have been filed simultaneously with the legal department for purposes of measuring the one-hundred-and-eighty-day limitation, as long as the complaint is otherwise within the legal department's jurisdiction; provided further, that any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the legal department concerning any of the matters alleged in such complaint; provided, further, that the legal department

shall have no jurisdiction over the state or any of its agencies, or over the Monroe County or any of its departments. After a complaint is scheduled for a public hearing, the legal department shall make reasonable efforts to conciliate all issues raised during the investigation of the case.

(4) To prevent any person from discharging, expelling, or otherwise discriminating against any other person because he filed a complaint or testified in any hearing before the commission or in any way assisted in any matter under investigation.

(5) To issue a temporary emergency order against any person requiring such person to do an act preserving the possibility of a remedy for a complaint or to refrain from doing an act damaging the possibility of a remedy during the investigation of the complaint; provided, however:

(a) That no emergency order shall be issued unless a time and place for hearing on the temporary order is designated in the order;

(b) That the hearing on the temporary emergency order shall be held within ten days following the issuance of the temporary order, unless contained by the commission at the request of the respondent. At such hearing the complainant shall show that a failure to continue the temporary order would damage his remedy. The commission shall thereupon weigh the comparative hardship to the complainant and respondent and issue a decision continuing or terminating the temporary emergency order, pending final disposition of the complaint. The respondent may waive said hearing without prejudice to his defense of the matters charged in the complaint, in which case the temporary order shall remain in effect pending final disposition of the complaint;

(c) The commission may by rule provide for issuance of its temporary order by a majority of the commission, and it may compel compliance with any such temporary order by bringing in any circuit or superior court for prohibitory or mandatory injunction upon showing that

such person is subject to the court's jurisdiction, resides or transacts business within the county in which the proceeding is brought, and that such injunction is necessary to protect the complainant's rights under this chapter until his complaint is resolved through conciliation or public hearing.

(6) To reduce the terms of conciliation agreed to by the parties in writing, to be called a consent agreement, which the parties and a majority of the commissioners shall sign. When so signed, the consent agreement shall have the same effect as a cease and desist order pursuant to subsection (8) of this section. If the commission determines that a party to the consent agreement is not complying with it, the commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement, and the party is subject to the commission's jurisdiction, and resides or transacts business within the county in which the petition for enforcement is brought.

(7) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath and require the production for examination of all books and papers relating to any matter under investigation or in question before the commission. The commission may make rules governing the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena or temporary emergency order issued pursuant to this section shall be a breach of this chapter and such person shall be liable to a penalty therefore, if adjudged by the circuit or superior court, of the payment of a penalty not to exceed three hundred dollars. Each penalty shall be deposited in the general fund of the Monroe County; provided, however, that the payment of such penalty by a party shall not impair the commission's ability to grant affirmative relief and compensatory damages to the complainant, should justice so require.

(8) To state its findings of fact after hearing which statement shall be made in a written opinion containing both the findings of fact and the principles of law applied. All written opinions shall be compiled and maintained as public record and, in making decisions, the commission shall give due consideration to its prior decisions which may be applicable. If a majority of the commissioners who hear the case finds that a person has engaged in unlawful discriminatory practice, the commission shall cause to be served on the person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action necessary to effectuate the purposes of this section.

If unlawful discrimination is found in the area of employment, an order shall be issued requiring the respondent to take such affirmative action including but not limited to hiring, reinstatement, and upgrading of employees or people deprived of employment, with or without compensatory damages to which the complainants would have been entitled had they not been deprived of equal opportunity.

If unlawful discrimination is found in the area of housing or acquisition of real property, an order may be issued requiring a respondent to take affirmative action, including but not limited to renting, selling, or leasing to a person deprived of equal opportunity. Compensation for the denial of equal opportunity shall be allowed within the discretion of the commission.

If unlawful discrimination is found in the area of public accommodations, an order shall be issued requiring respondent to take affirmative action, including but not limited to providing services, goods, or access to property, reinstatement to membership, reinstatement to membership, posting of notice that a facility is a public accommodation, with or without compensatory damages for a complainant's being denied equal opportunity.

If unlawful discrimination is found in the area of education, an order may be issued requiring a respondent to take affirmative action including but not limited to a review and revision of school boundaries, revision of teaching aids, and materials, human relations training for personnel recruitment of minority people for professional staff, with or without compensatory damages to which the complainant would have been entitled except for the denial of equal opportunity.

If upon all the evidence, the commission finds that person has not engaged in any such unlawful practice or violation of this section, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such person.

Judicial review of such cease and desist order, or other final order, or other affirmative action or damages as referred to in this chapter may be obtained by filing in the county circuit or superior courts. The scope of review shall be in accordance with the provisions set out in Indiana Code 4.21.5-1 et seq. If no proceeding to obtain judicial review is instituted within thirty days from the receipt of notice by a person that such order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of such order in circuit or superior court upon showing that such person is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought, or may request the county attorney, commission attorney, or attorney representing the complainant to seek enforcement.

520-8 Educational program. In order to eliminate prejudice among the various groups in the Monroe County and to further goodwill among such groups, the commission may prepare



educational programs designed to emphasize and remedy the denial of equal opportunity because of a person's race, religion, color, sex, national origin, ancestry, sexual orientation or disability, its harmful effects, and its incompatibility with the principles of equality.

520-9 Relationship with Civil Rights Commission. The legal department may enter into a working relationship with the Indiana Civil Rights Commission to perpetuate the mutual objectives set forth in this chapter and the Indiana Civil Rights Law.

520-10 Housing Discrimination

This section applies only to cases alleging housing discrimination.

(a) Definitions:

(1) “Familial status” means one or more individuals (who have not obtained the age of eighteen years) being domiciled with a parent or another person having legal custody of such individual(s) or the written permission of such parent or other person. The protections against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(2) “Dwelling” means any building, structure, or part of a building or structure, that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building or structure or part of a building or structure that is occupied as, or designed or intended for occupancy by one or more families.

(3) “To rent” includes to lease, to sublease, to let or otherwise to grant for consideration the right to occupy the premises not owned by the occupant.

(4) “Discriminatory housing practice” includes:

(A) Practices prohibited by section 510-3(10) of this code.

(B) Refusing to rent to an individual or family on the basis of familial status.

(C) Refusing to allow a tenant with a disability, as defined by Section 520-3(15), to make reasonable modifications of the rented premises at the tenant’s expense if such modifications are necessary to afford the tenant full enjoyment of the premises. The landlord may, where it is reasonable to do so, condition permission for the modification(s) on the tenant’s agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may require the tenant to acquire any necessary permits and to perform the modifications in a workmanlike standard.

(D) Refusing to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a tenant with a disability, as that term is defined by Section 520-3(15), equal opportunity to use and enjoy a dwelling.

520-11 Housing Discrimination – Exemptions. This section applies only to cases alleging housing discrimination.

(a) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(b) Nothing in this section shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of

dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such person. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(c) Nothing in this section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(d) Nothing in this section regarding familial status apply with respect to housing for older persons, as defined below. As used in this section, “housing for older persons” means housing:

(1) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development designed and operated to assist elderly persons (as defined in the state or federal program); or

(2) Intended for, and solely occupied by, persons sixty-two years of age or older; or

(3) Intended and operated for occupancy by at least one person fifty-five years of age or older per unit if the following requirements are met:

(A) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(B) that at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and

(C) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

(e) Nothing in this section applies to the following:

(1) The sale or rental of a single-family house sold or rented by an owner if:

(A) The owner does not

(i) own more than three single-family houses at any one time; or

(ii) own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time; and

(B) The house was sold or rented without the use of the sales or rental facilities or services of a real estate broker, agent or salesperson licensed under state law.

(2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the living quarters as the owner's residence.

520-12 Hate Crimes Statistics: The Monroe County Human Rights Commission may collect data and issue reports on hate crimes in the Monroe County. Hate crimes include verbal or physical abuse directed at individuals or groups because of their race, sex, color, disability, age, sexual orientation, ancestry, religion or national origin.

520-13 Complaints of sexual orientation discrimination. In complaints of discrimination on the basis of sexual orientation, the commission's authority shall be limited to voluntary investigations and voluntary mediation.

Adopted this 17<sup>th</sup> day of December, 2010.

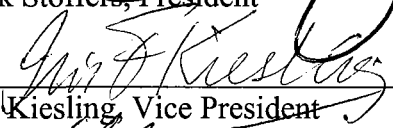
MONROE COUNTY BOARD OF COMMISSIONERS

"YEAS"

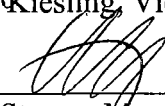
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Patrick Stoffers, President

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Patrick Stoffers, President


  
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Iris F. Kiesling, Vice President

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Iris F. Kiesling, Vice President

  
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Mark Stoops, Member

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Mark Stoops, Member

ATTEST:

  
\_\_\_\_\_  
Amy Gerstman, Monroe County Auditor



**MEMO FROM COUNCIL OFFICE ON:**

**Ordinance 23-08 - To Amend the Traffic Calming and Greenways Program Incorporated by Reference into Title 15 (“Vehicles and Traffic”) of the Bloomington Municipal Code - Re: Amending the Traffic Calming and Greenways Program Incorporated by Reference into Bloomington Municipal Code Section 15.26.020**

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**Synopsis**

This ordinance adopts an amended Traffic Calming and Greenways Program. The Traffic Calming and Greenways Program sets the standard for the prioritization and placement of neighborhood traffic calming and related traffic control devices and requires a consistent procedure for resident-led and staff-led processes. The amendments to the program include the addition of Common Council Action as a required step in both the resident-led and staff-led processes.

**Relevant Materials**

- Ordinance 23-08
- Attachment A – Amended Traffic Calming and Greenways Program
- Presentation slides from Beth Rosenbarger, Assistant Director of Planning and Transportation, shown during November 30, 2022 Committee of the Whole meeting

**Background re: Ordinance 22-35 - previously introduced and considered by the Council in 2022**

A previous version of this proposal was introduced as Ordinance 22-35 at the Council’s November 16, 2022 Regular Session and discussed at the Council’s November 30, 2022 Committee of the Whole meeting.

At that November 30 meeting, the councilmember sponsor (Cm. Rollo) presented the proposal. Beth Rosenbarger, Assistant Director of Planning and Transportation, gave the administration’s position on Ord 22-35 and provided a presentation (slides included herein) that covered the Traffic Calming and Greenways Program, the planning process generally, and concerns that staff had with the proposed ordinance. Councilmembers asked questions, heard public comment, and provided their own comments on the ordinance. The Committee voted to recommend that the Council adopt the ordinance by a vote of four in favor, three opposed, and one abstention.

At the Council’s December 7, 2022 Regular Session, the Council amended the meeting agenda to remove Ordinance 22-35 as an item for consideration at the request of the sponsor. The current proposed ordinance, 23-08, differs from the previous proposal in that it would not change the signature threshold applicable to Affected Housing Units as part of the resident-led traffic-calming process.



## Summary

Ordinance 23-08 would amend the city's Traffic Calming and Greenways Program ("TCGP"). The TCGP, adopted in 2020 via Ordinance 20-17, replaced the city's previous traffic calming policy, the Neighborhood Traffic Safety Program ("NTSP"). Materials associated with Ordinance 20-17 can be viewed in the Council's October 7, 2020 Legislative Packet. The NTSP was adopted in 1999 via Ordinance 99-16.

The TCGP is incorporated into Bloomington Municipal Code Section 15.26.020 by reference and includes any amendments to the program approved by the Council by ordinance. The TCGP is administered by the Planning and Transportation Department and provides the policies and procedures used by the city to determine the appropriate location and construction of traffic calming and related devices in neighborhoods. The TCGP defines "traffic calming device" as "a device erected to slow traffic on residential streets, including the following:

- (1) traffic circles;
- (2) curb extensions;
- (3) neck downs;
- (4) diagonal diverters;
- (5) truncated diagonal diverters; or
- (6) chicanes."

The amendments to the TCGP proposed by Ordinance 22-35 are shown in Attachment A to the ordinance and include:

1. The addition of Common Council Action as a necessary step in both the resident-led and staff-led traffic calming processes before projects can proceed to installation.
2. Correction of various grammatical errors and adjustments to the table of contents and the visual overviews to reflect the amendments.

The proposed amendments to the TCGP have not been reviewed by the Traffic Commission or by the Bicycle and Pedestrian Safety Commission. Planning and Transportation Department Director Scott Robinson previously noted, when Ordinance 22-35 was considered, that the Department was not in support of these specific proposed changes but was open to discussing suggestions and improvements to the program that councilmembers wished to consider.

The ordinance sponsor, Councilmember Rollo, does not anticipate that the proposed amendments to the TCGP will directly impact city revenues, expenditures, or any debt obligations.

## Contact

Cm. Dave Rollo, 812-349-3409, [rollod@bloomington.in.gov](mailto:rollod@bloomington.in.gov)

**ORDINANCE 23-08**

**TO AMEND THE TRAFFIC CALMING AND GREENWAYS PROGRAM  
INCORPORATED BY REFERENCE INTO TITLE 15 (“VEHICLES AND TRAFFIC”)  
OF THE BLOOMINGTON MUNICIPAL CODE -**

**Re: Amending the Traffic Calming and Greenways Program  
Incorporated by Reference into Bloomington Municipal Code Section 15.26.020**

- WHEREAS, on June 2, 1999, the Bloomington Common Council (“Council”) adopted Ordinance 99-16, which established the Neighborhood Traffic Safety Program in order to guide the decision making process for placement of traffic calming and related traffic control devices in neighborhoods; and
- WHEREAS, on October 21, 2020, the Council adopted Ordinance 20-17, which replaced the Neighborhood Traffic Safety Program with the Traffic Calming and Greenways Program; and
- WHEREAS, Bloomington Municipal Code Section 15.26.020 (“Traffic calming and greenways program”) incorporates the Traffic Calming and Greenways Program into the municipal code by reference, including any amendments made to the program approved by ordinance of the Council; and
- WHEREAS, the Traffic Calming and Greenways Program includes a list of rationale for the program, which includes encouraging resident involvement and ensuring an appropriate process to receive traffic calming requests from residents; and
- WHEREAS, the Traffic Calming and Greenways Program includes a list of guiding principles that inform the program, including the principle that processes shall provide for reasonable but not onerous resident participation in the plan development and evaluation; and
- WHEREAS, the Traffic Calming and Greenways Program envisions a process for Bloomington that is openly shared and transparent to the community; and
- WHEREAS, under the current Traffic Calming and Greenways Program, proposed projects, which may have significant impacts on residents, do not require review by an elected governing body before proceeding to the installation phase; and
- WHEREAS, both the resident-led and staff-led traffic calming processes provided for in the Traffic Calming and Greenways Program should include a step for Council review and approval of potential projects before those projects proceed to the installation phase; and
- WHEREAS, the Bloomington Common Council believes that changes are warranted to the Traffic Calming and Greenways Program, which has been incorporated by reference into Title 15 of the Bloomington Municipal Code entitled “Vehicles and Traffic,”

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The Traffic Calming and Greenways Program (“Program”) incorporated by reference into Bloomington Municipal Code Section 15.26.020 is amended as depicted in “Attachment A”, attached hereto and incorporated herein. The visual overviews in the Program of the resident-led traffic calming process and the staff-led traffic calming/neighborhood greenway process shall be revised to reflect the amendments shown in Attachment A.

SECTION 2. The amended Program is adopted. Two copies of the amended Program shall be kept on file in the office of the City Clerk for public inspection.



SECTION 3. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
SUE SGAMBELLURI, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance adopts an amended Traffic Calming and Greenways Program. The Traffic Calming and Greenways Program sets the standard for the prioritization and placement of neighborhood traffic calming and related traffic control devices and requires a consistent procedure for resident-led and staff-led processes. The amendments to the program include the addition of Common Council Action as a required step in both the resident-led and staff-led processes.



# **TRAFFIC CALMING & GREENWAYS PROGRAM**

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## BACKGROUND

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The City of Bloomington (the City) places a high value on livability. Livability, as a concept, has largely been the rationale for public policies which serve to benefit the community. One such policy, Chapter 15.26, added to the City’s Code on June 2, 1999, established the Neighborhood Traffic Safety Program (NTSP). The NTSP aimed to increase a neighborhood’s livability by enabling groups of organized residents to manage driving behaviors on neighborhood streets through the installation of speed cushions, chicanes, and other traffic calming devices.

The City of Bloomington Traffic Calming and Greenways Program (TCGP) seeks to replace the NTSP program and envisions a process for Bloomington which is:

- Based upon objective, measurable data
- Viewed through the lenses of connectivity and accessibility
- Aligned with the City’s Comprehensive Plan and Transportation Plan
- Managed through a consistent process
- Openly shared and transparent to the community

## RATIONALE

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The rationale for replacing the NTSP policy is based on the Bloomington Comprehensive Plan (2018) and the Bloomington Transportation Plan (2019):

- Continue to integrate all modes into the transportation network while prioritizing bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users (*Comprehensive Plan Goal 6.4*)
- Protect neighborhood streets that support residential character and provide a range of local transportation options (*Comprehensive Plan Goal 6.5*)
  - Implement traffic calming measures where safety concerns exist to manage motor vehicle traffic on residential streets (*Comprehensive Plan, Policy 6.5.1*)
  - Balance vehicular circulation needs with the goal of creating walkable and bike-friendly neighborhoods (*Comprehensive Plan, Policy 6.5.2*)
  - Continue to improve connectivity between existing neighborhoods, existing and proposed trails, and destinations such as commercial areas and schools (*Comprehensive Plan, Policy 6.5.3*)
- Ensure an appropriate process to receive traffic calming requests from residents and include steps for the installation of temporary, proactive traffic calming measures as well as the installation of longer-term measures as a result of a reactive process in response to local concerns (*Transportation Plan, p. 51*)
- Encourage resident involvement (*Transportation Plan, p. 64*)

## GUIDING PRINCIPLES

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The following eight guiding principles inform the TCGP:

1. Evaluation and prioritization of TCGP installations should be based upon objective, pre-established criteria; be in alignment with the City of Bloomington adopted plans and goals; ~~and~~ be reviewed by a designated City Commission ~~who that~~ oversees traffic calming, and/or long range transportation planning; **and be subject to approval by the Bloomington Common Council.**
2. Traffic Calming and Greenways Program projects shall enhance pedestrian, bicyclist, and other **micromobility** mode user's access through the neighborhood and preference shall be given to projects that enhance access to transit as well.
3. Traffic calming devices should be planned and designed in keeping with planning and engineering best practices.
4. Reasonable emergency and service vehicle access and circulation should be preserved.
5. City staff shall direct the installation of traffic calming measures in compliance with this policy and as adopted into Bloomington Municipal Code.
6. The TCGP is mainly intended for: **Shared Street, Neighborhood Residential Street,** and **Neighborhood Connector Street** typologies and, on occasion, may include traffic calming elements as part of a larger infrastructure project.
7. Some motorists may choose to reroute from one neighborhood street to another as a result of an TCGP project. In some cases, this rerouting may require updates to a project, but the goals of mode shift and improved safety for all road users should generally supersede minor shifts in rerouting. Minor increases in traffic volumes on adjacent streets are anticipated and acceptable levels should be defined on a project-by-project basis.
8. Processes shall provide for reasonable but not onerous resident participation in plan development and evaluation.

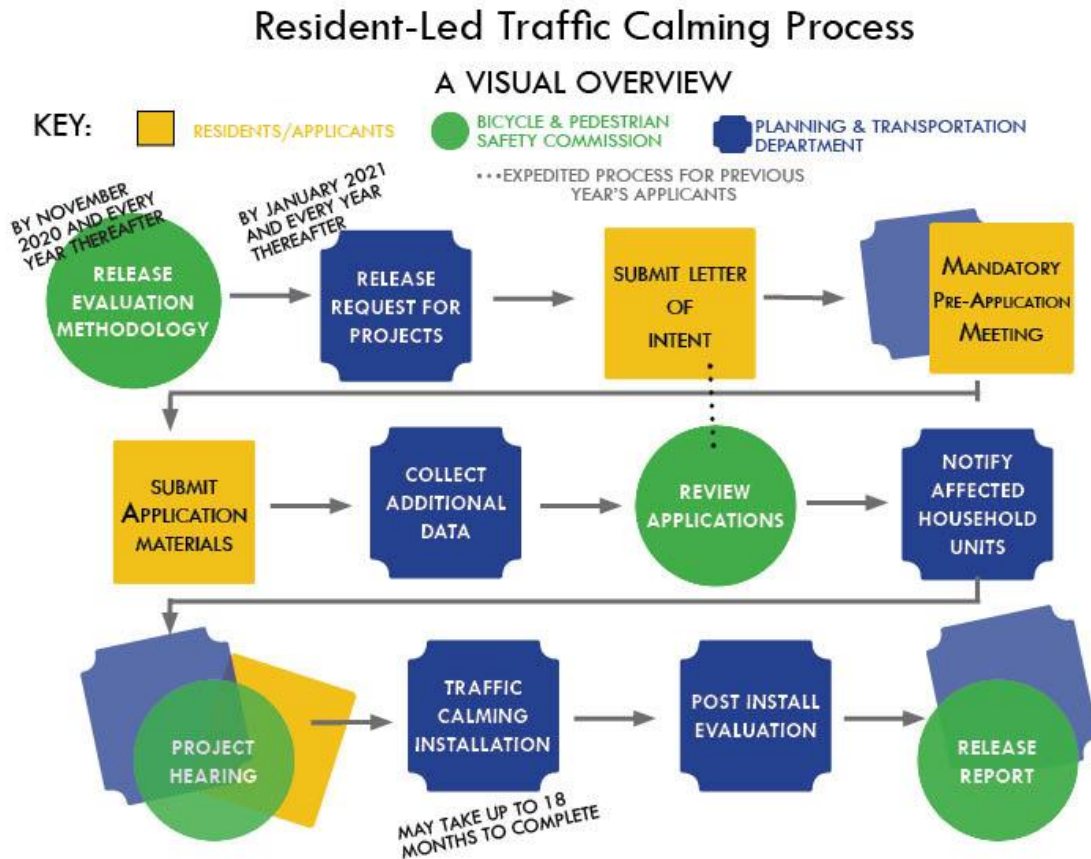
# RESIDENT-LED TRAFFIC CALMING PROCESS

The TCGP provides a mechanism for residents to work with the City to manage traffic in their neighborhoods. The TCGP is intended to provide a simple process for residents to address traffic and speeding concerns on neighborhood streets. The TCGP processes also provide a consistent framework to ensure efficient use of resident and City staff time.

This section describes in detail the steps involved in participating in the Resident-led Traffic Calming process including the City’s request for projects, the application requirements, benchmark data collection, the review and prioritization of high-ranking projects, the installation of traffic calming devices, and an evaluation of the project’s success. The Resident-Led Traffic Calming Process is illustrated below in Figure 1 and in the [Appendix](#).

Traffic Calming devices primarily considered for this program include **speed cushions** and **speed humps**, in some contexts other devices may also be considered.

Figure 1: Visual Overview of the: Resident-led Traffic Calming Process



## **BICYCLE PEDESTRIAN SAFETY COMMISSION RELEASES EVALUATION METHODOLOGY**

The Evaluation Methodology defines the objective criteria used to review project requests. The evaluation methodology is reviewed each year before the start of a new process cycle. By November 30, 2020 and by November 30 of each year thereafter, the Bicycle Pedestrian Safety Commission (BPSC) shall submit revisions of the TCGP Evaluation Methodology to the Planning and Transportation Department as well as a report that includes the following:

- Any changes to the application evaluation methodology from the previous year;
- A status report on the previous years' designed and installed projects; and
- Projects which applied for funding but did not receive funding based on the priority ranking during the previous year's cycle.

## **CITY RELEASES REQUEST FOR PROJECTS**

In January 2021 and every year in January thereafter, the City Planning Department will release a Request for Projects (RFP) for participation in the Traffic Calming and Greenways Program. Each RFP issued shall be dependent upon funding availability, and the amount of available funding may be made known to prospective applicants. Requests for participation will be made through the BPSC and City staff to residents upon the opening of the RFP process.

## **STEP 1: RESIDENTS SUBMIT LETTER OF INTENT**

Residents who wish to engage in the TCGP must submit a Letter of Intent (LOI) to the Planning Department before the end of the posted deadline. Prospective applicants are responsible for checking the TCGP guidelines for additional formatting and submission requirements. The LOI from the interested parties shall include but may not be limited to:

- Contact information for a minimum of two project co-organizers;
- Project organizers must represent two (2) separate dwelling units within the proposed area to be considered.
  - Individuals who reside in the same dwelling shall not be permitted to serve as project co-organizers without the collaboration of a neighbor or resident of a differing dwelling unit.
  - Individuals who reside in different dwelling units of a larger multi-family complex shall be permitted to serve as project co-organizers.
- A general description of the concern;
- A map of the proposed area to be considered;
- Acknowledgement of program policies; and
- Any supplemental information requested by staff.

Previous Applicants: Project co-organizers who have submitted an application for the previous one (1) year program cycle and did not receive funding may reapply with an updated LOI and any supplemental materials requested by City Staff.

Staff Action: When the submission window has closed, City staff shall review each of the LOIs. City staff will notify applicants who have met the requirements to advance to the application process of the Resident-led Traffic Calming Process. In the event that an application does not meet the minimum

requirements to apply, City staff may notify the project co-organizers and allow up to 4 additional business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. LOIs which do not meet the minimum requirements will not progress beyond Step 2 of the Resident-led Traffic Calming Process and shall be notified by City staff.

## **STEP 2: PRE-APPLICATION MEETINGS WITH CITY STAFF AND PROJECT ORGANIZERS**

City staff shall schedule a mandatory meeting with each group of project co-organizers who have advanced to Step 2 of the Resident-led Traffic Calming Process. At the mandatory pre-application meeting staff shall:

- Discuss the application requirements, processes, and deadlines;
- Disseminate preliminary information required in the application;
- Provide a link to the application materials; and
- Answer questions from the project organizers.

## **STEP 3: RESIDENTS SUBMIT APPLICATION MATERIALS**

Project co-organizers will have approximately six to eight weeks to complete and submit their applications. Application materials shall include:

- Three (3) Letters of Support from stakeholders.
  - Must include at least one (1) City Council Representative
  - May include an organization or professional which serves the residents living within the identified area (i.e., neighborhood association, school, neighborhood resource specialist, faith based organization, and/or a non-profit which serves households located within the specified area but may not necessarily be located within the specified zone)
  - Only three letters will be reviewed. Additional letters will not be reviewed with the project application.
- Twenty-four (24) or 30% (whichever is the lesser) signatures from **Affected Housing Units** impacted by the traffic calming installations proposed.
  - Staff shall provide a template document for collecting signatures which must be used for collecting signatures. No other forms will be accepted.
  - Electronic signatures may be used for this purpose if deemed appropriate and with written approval of the City Planning Department Director.
- A finalized map of the proposed project area.
- Additional relevant data requested by City staff

City staff shall send a confirmation email once an application has been received. In the event that an application requires clarification or has proposed a zone which is incompatible with the program, City staff may notify the project organizers and allow up to an additional 4 business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. Incomplete applications which are submitted with insufficient supporting documents/ materials will not progress beyond Step 3 of the Resident-led Traffic Calming Process and shall be notified by City staff.



#### **STEP 4: CITY STAFF PREPARE RELEVANT DATA**

City staff shall collect preliminary information about current traffic conditions. Relevant data may include crash history, speed counts and volume data, and other relevant facts. City staff shall notify the affected safety and emergency services of the initiative to include but not be limited to: the Bloomington Police Department, Bloomington Fire Department, local ambulance services, and Bloomington Transit.

City staff may collect and summarize preliminary information about existing plans for development, census data, and pedestrian and bicycle network infrastructure near the proposed project.

#### **STEP 5: BPSC REVIEW OF APPLICATIONS**

Upon the receipt of completed applications, the BPSC will review the materials submitted and the preliminary data collected by City staff. The BPSC will validate successful applications, and rank the projects which score highest as determined by the evaluation methodology. All applications will be evaluated using the same criteria.

The evaluation criteria for the Resident-led Traffic Calming Process must account for two main areas of emphasis:

1. Prevalence of vulnerable users (e.g., children, persons with disabilities, older adults, economically disadvantaged households) and community centers.
2. Incidence of crashes and behaviors which are the causal factors for increased injury to vulnerable users (crashes, speeding, volume).

#### **STEP 6: NOTIFICATIONS SENT TO AFFECTED HOUSING UNITS IN HIGH RANKING AREAS**

Notifications will be sent via post to **Affected Housing Units** and electronically to **Network Users** in the areas surrounding projects that are likely to be funded based upon the number of applications and the designated resources for traffic calming.

Information presented in the notification shall include:

- Information related to the location and placement of the proposed traffic calming installations;
- The objectives for the traffic calming;
- Notification of all scheduled meetings associated with the project and prioritization process; and Contact information and project website to direct feedback, ask questions, or present concerns.

#### **STEP 7: PROJECT PRIORITIZATION HEARING**

The BPSC shall host a hearing in which **Affected Housing Units**, **Network Users**, and members of the public may voice their questions, concerns, support, or critique of the Traffic Calming project. Based upon information gleaned at the prioritization hearing, the BPSC may vote to **recommend and** advance fundable projects to the **Common Council Action step design/~~installation phase~~** for those which rank highest unless extenuating circumstances become known which calls into question a project's merit or evidence that an application was not put forth in good faith with the program policies.

## **STEP 8: COMMON COUNCIL ACTION**

Based on the project meetings, collected data, and BPSC review, City staff members prepare a resolution and report for the Common Council. The report outlines the process followed, includes the project findings, and states the reasons for the BPSC's recommendations. City staff shall present the resolution and report to the Common Council for action. If the resolution is not adopted by the Common Council, the project does not proceed to installation.

## **-STEP 98: INSTALLATION**

After the project has been approved by the Common Council, City staff will proceed with final design and installation. Planning, design, and construction may take up to 18 months depending on the scope of the project. Installations will typically be planned with permanent materials; however, using temporary materials may be appropriate to evaluate design options or to accelerate project timelines.

## **STEP 109A: POST-INSTALLATION EVALUATION** *(TAKES PLACE CONCURRENTLY WITH STEP 109B)*

Up to 18 months after the construction of the Traffic Calming project, the City may conduct a follow-up evaluation. After the installation has been completed, City of Bloomington Planning Department Staff will work to gather data which may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be included.

## **STEP 109B: MAINTENANCE AND MINOR ALTERATIONS** *(TAKES PLACE CONCURRENTLY WITH STEP 109A)*

The City of Bloomington Planning Department is responsible for the construction and the minor alteration of any traffic calming device implemented as part of the Resident-led Traffic Calming Process. Alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered minor alterations. Other changes which could have a more significant impact on a street's operations should follow the Staff-led Traffic Calming/Neighborhood Greenways Process or the Resident-led Traffic Calming Process in subsequent funding cycles.

The Department of Public Works will be responsible for maintenance of completed Traffic Calming installations.

## **OTHER PROCESSES A: INCREASED TRAFFIC CALMING AND MODIFICATIONS**

If residents desire to have their traffic calming modified to include major alterations, a request in writing must be made to City Planning and Transportation staff. Requests for traffic calming tools beyond those typically used for Resident-led projects shall require staff approval in writing. Projects that are able to be supported and prioritized for increased traffic calming will follow the Staff-led Traffic Calming/Neighborhood Greenways Process beginning at [Step Six](#). In some cases, the City may choose to start at an earlier step in the process.

Residents may request to make major modifications to existing traffic-calming on public streets by applying to the Resident-led Traffic-Calming Process. To request major modifications to existing traffic

calming, residents shall follow the Resident-Led Process, starting at [Step 1](#) but may not do so within 7 years of the date which the traffic calming installation was approved.

## **OTHER PROCESSES B: REMOVAL PROCESS**

If residents of a neighborhood request to have their traffic calming installations removed, an application shall be submitted with no less than sixty-six (66) percent of the **Affected Housing Units** in support of the removal. Removal of Traffic calming must be based upon the same boundaries as the original project request and may not be divided into smaller portions thereof. Applications for removal and required signatures shall not be submitted within 7 years of the date which the traffic calming installation was approved. City staff shall provide a template document for collecting signatures which **must** be used for collecting signatures required for traffic calming removal. No other forms will be accepted for this purpose. The City may provide an electronic signature option if deemed appropriate and with written approval of the City Planning Department Director.

City Planning Department staff shall validate completed applications and present it to the Bicycle Pedestrian Safety Commission for approval. Based upon the application materials provided, traffic speed and volume data, and public comment, BPSC shall vote to remove the traffic calming installations (or any portion thereof) unless sixty-six (66%) percent majority of BPSC appointed members vote to deny the removal of the traffic calming installations.

In some extenuating circumstances, the City Engineer may remove a traffic calming installation if they find it poses increased and unnecessary risk to public. In the event of such circumstances, the Engineer must submit a report within 180 days of the removal of a traffic calming device to both the BPSC and City Council explaining the rationale which the removal was deemed necessary.

# STAFF-LED TRAFFIC CALMING/ NEIGHBORHOOD GREENWAY PROCESS:

The Staff-led Traffic Calming/ Neighborhood Greenway Process provides a framework for Planning and Engineering Department staff to identify and implement traffic calming projects, improve safety and/or support pedestrian, bicyclist, or transit initiatives.

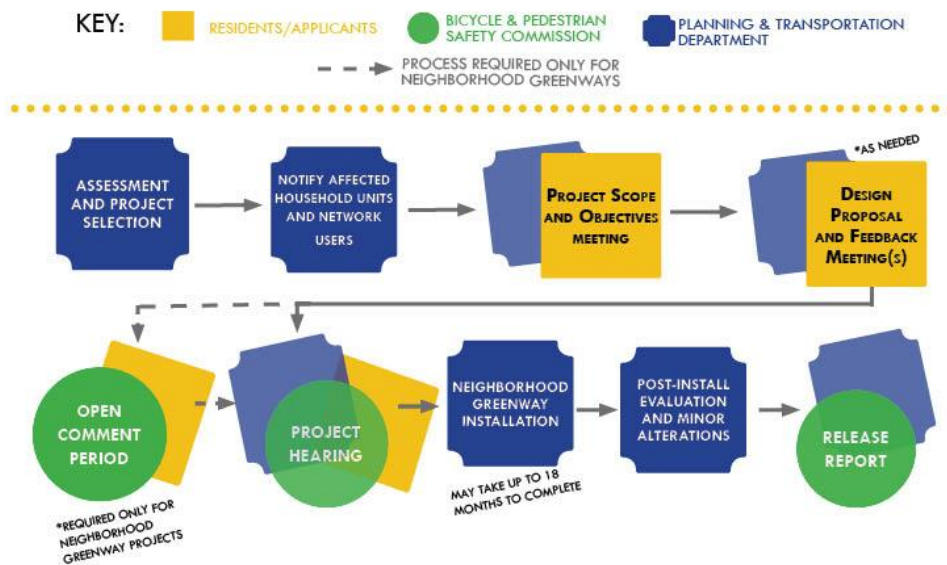
**Traffic Calming**, or devices used for reducing speeds on residential streets are defined by state code and may include: speed bumps, curb extensions, chicanes, and/or diagonal diverters. While the state provides a definition for specific traffic-calming devices which may be used, there are other street design elements (i.e., adding on-street parking, the design of on-street parking, narrowing lanes) which may result in slowing motorized vehicle traffic. These design elements alone do not trigger the Staff-Led Traffic Calming process. However, the design strategies may be included in a traffic-calming project.

A **Neighborhood Greenway** is a street that serves as a shared, slow street with the intention of prioritizing bicycling and improving walking. The Bloomington Transportation Plan identifies certain streets as Neighborhood Greenways. Traffic Calming installations, signs, and pavement markings are often used to create the basic elements of a Neighborhood Greenway-- but are, in and of themselves not Greenways for the purposes of the program until they are identified within the Transportation Plan. To be considered ~~for as~~ a Neighborhood Greenway, a street must be identified as a Neighborhood Greenway in the Bicycle Facilities Network in the Bloomington Transportation Plan.

This section describes in detail the steps involved in the Staff-led Traffic Calming/Neighborhood Greenways Process including the City’s notification to the public, the process for gaining feedback from **Affected Housing Units**, and the installation and evaluation for each Neighborhood Greenway project. The Staff-led Neighborhood Greenway Process is illustrated below in Figure 2 and in [the Appendix](#).

## Staff-Led Neighborhood Traffic Calming/Greenway Process

### A VISUAL OVERVIEW



### **STEP 1: NOTICE MAILING**

City staff shall notify **Affected Housing Units** by a postal mailing and electronically to **Network Users** in advance of any work sessions or meetings which discuss the installation of the Traffic Calming/ Neighborhood Greenway project.

The intent of the notification is to alert residents and stakeholders of the project and provide details of upcoming meetings. Other notifications, such as postings on social media or signs posted in the vicinity of the proposed project, are additional measures which may be used to increase engagement with residents.

### **STEP 2: FIRST MEETING- PROJECT SCOPE AND OBJECTIVES MEETING**

City Planning and Transportation Department Staff shall host a meeting about the proposed project. Staff will seek input from residents, stakeholders, and **Network Users**. Staff will present information including but not limited to the following:

- What is Traffic Calming? What is a Neighborhood Greenway?
- What are the boundaries of this phase of the project?
- How do the Traffic Calming/ Neighborhood Greenways support the City's Comprehensive Plan and Transportation Plan goals for multimodal connectivity?
- What are the funding limitations for this project or phase?

### **STEP 3: SECOND MEETING- FEEDBACK ON PRELIMINARY DESIGN**

City staff will host a second meeting to share the preliminary design and to take input from residents and users.

### **STEP 4: THIRD MEETING (OPTIONAL) DESIGN/BUILD OUT OPTION WORK MEETING**

A third meeting is optional, based on feedback of the preliminary design.

### **STEP 5: OPEN COMMENT PERIOD (NEIGHBORHOOD GREENWAY PROJECTS ONLY)**

Staff-led Neighborhood Greenway plans shall be made available for comment by **Affected Housing Units, Network Users**, and other stakeholders. Comments shall be made on the project website, email, phone, or post mail. Comments housed in social media platforms and listservs will not be considered in the BPSC Discussion/ Review.

The open comment period is expected to last 4 weeks, unless extenuating circumstances require a longer timeframe. When City staff feel confident that a design best suited to the project and location has been achieved, the proposed Staff- Led Neighborhood Greenway installation will proceed forward to the BPSC Discussion and Review Phase.

## **STEP 6: BPSC DISCUSSION/REVIEW**

City staff shall present the project, objectives, baseline data, notes from public meetings, and design concepts to the BPSC for review **and recommendation**. By default, projects will proceed **to the next step**, unless a ~~a~~ seventy-five percent (75%) of the BPSC appointed members vote to send the project back to the City staff for further refinement.

## **STEP 7: COMMON COUNCIL ACTION**

**Based on the project meetings, collected data, and BPSC review, City staff members prepare a resolution and report for the Common Council. The report outlines the process followed, includes the project findings, and states the reasons for the BPSC's recommendations. City staff shall present the resolution and report to the Common Council for action. If the resolution is not adopted by the Common Council, the project does not proceed to installation.**

## **STEP 78: INSTALLATION**

**After the project has been approved by the Common Council, the** City of Bloomington Planning Department shall install the Traffic Calming or Neighborhood Greenways. The installation is intended to be constructed with permanent materials; however, in some cases, using temporary materials may be appropriate in order to evaluate design techniques or to accelerate project timelines.

## **STEP 89A: EVALUATION** (*HAPPENS CONCURRENTLY WITH STEP 98B*)

Within eighteen months after the construction of a Traffic Calming/ Neighborhood Greenway project is complete, the City may conduct a follow-up evaluation. This evaluation may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be beneficial.

## **STEP 89B: MAINTENANCE AND ALTERATIONS** (*HAPPENS CONCURRENTLY WITH STEP 98A*)

The City of Bloomington Planning Department is responsible for the construction and the minor alterations of any traffic calming device implemented as part of the program. These alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered **minor alterations**.

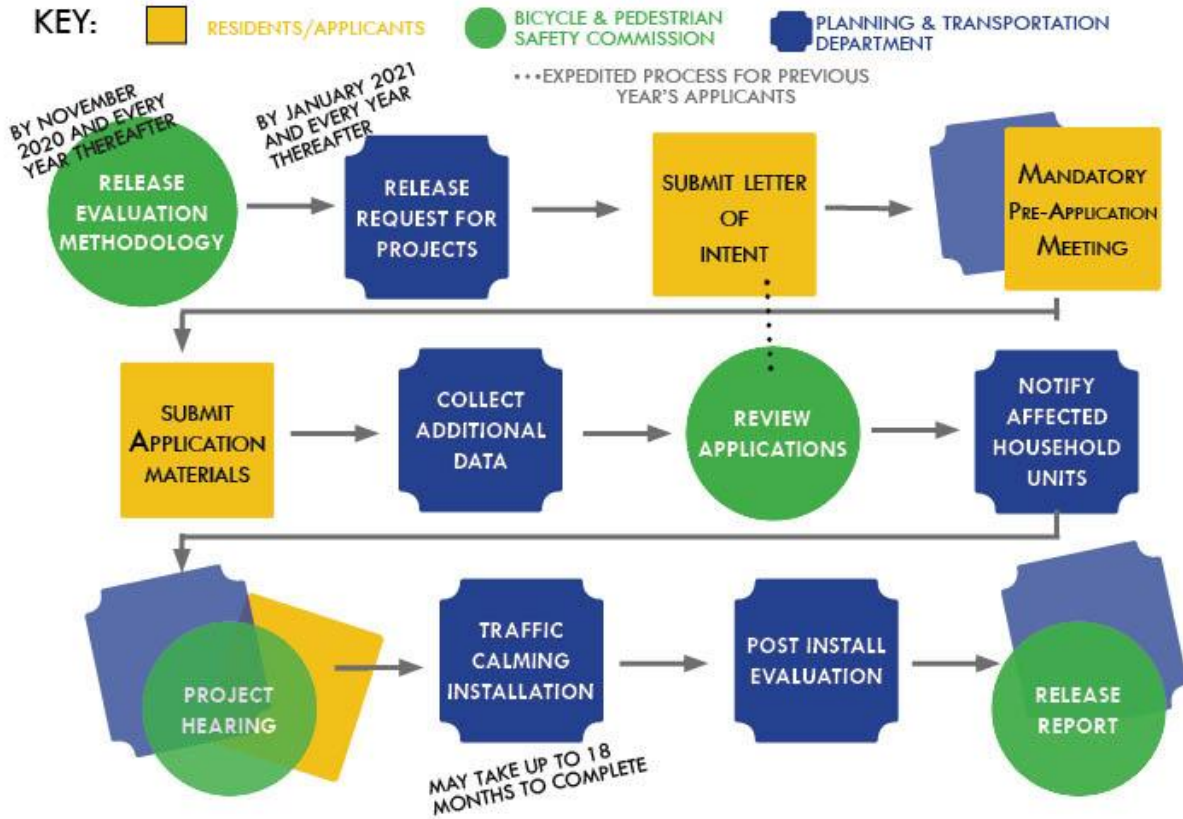
City Staff may request to make **major modifications** to existing traffic calming installations on public streets by following the Staff-led Traffic Calming and Neighborhood Greenways Process, starting at [Step 6](#). In some cases, the City may choose to start at an earlier step in the process.

The Department of Public Works will be responsible for maintenance of completed Traffic Calming/ Neighborhood Greenway installations.

# APPENDIX: VISUAL OVERVIEW OF RESIDENT-LED AND STAFF-LED PROCESSES

## Resident-Led Traffic Calming Process

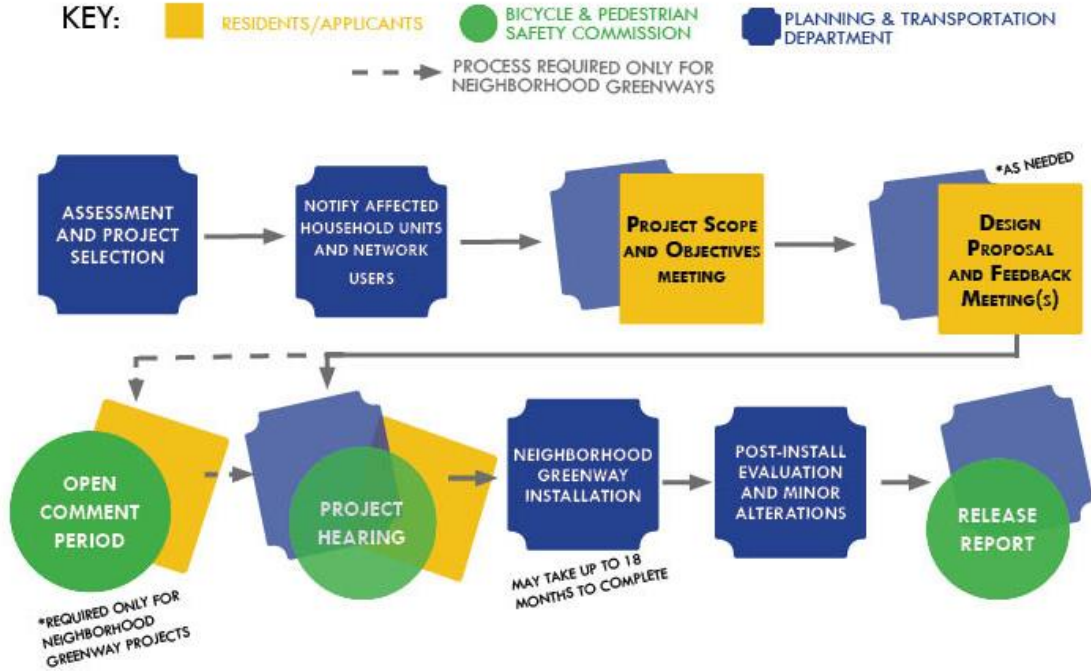
### A VISUAL OVERVIEW





# Staff-Led Neighborhood Traffic Calming/Greenway Process

## A VISUAL OVERVIEW





## APPENDIX: DEFINITIONS

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**Affected Housing Units:** residents and property owners of record located within two lots not to exceed 300 feet of streets affected by the proposed traffic calming installation.

**Major alterations:** A change other than a minor alteration.

**Micromobility:** a category of modes of transport that are provided by very light vehicles such as scooters, electric scooters, electric skateboards.

**Minor alterations:** a change which has no appreciable effect on the surface area of the street dedicated to the travel for motor vehicles. Changes to signs, markings, parking policies or location of traffic calming devices may be considered minor alterations. All other changes are considered 'major alterations.'

**Neighborhood Connector Street:** streets which provide connections between the neighborhood residential and general urban or suburban connector streets. They collect traffic from residential neighborhoods and distribute it to the broader street network. Most of the land uses surrounding neighborhood connectors are generally low/medium-density residential with commercial nodes as it connects to the larger street network.

**Neighborhood Residential Street:** streets that provide access to single and multifamily homes and are not intended to be used for regional or cross-town motor vehicle commuting. Neighborhood residential streets have slow speeds and low vehicular volumes with general priority given to pedestrians.

**Neighborhood Greenway:** a low-speed, low-volume shared roadway that creates a high-comfort walking and bicycling environment. Neighborhood Greenways are identified in the Bloomington Transportation Plan.

**Network Users:** People who utilize a street for their primary means of access to pedestrian, bicycle, or transit networks.

**Shared Streets:** Streets designed for pedestrians, bicyclists, transit riders, and motorists to operate in a "shared" space; shared streets utilize design elements such as pavement treatments, planters, roadway widths, parking spaces, and other elements to direct traffic flow and to encourage cooperation among travel modes in typically flush or curbless environments.

**Speed Cushions:** speed humps that include wheel cutouts to allow large vehicles, cyclists, scooters and strollers to pass unaffected, while reducing passenger car speeds.

**Speed Humps:** a ridge set in a road surface, typically at intervals, to control the speed of vehicles.

**Traffic Calming:** methods described within the state code which are used to slow cars on residential streets. Traffic Calming devices may include curb extensions, chicanes, and/or diagonal diverters.

# Traffic Calming and Greenways Program

Common Council – Committee of the Whole

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NOVEMBER 30, 2022

# Traffic Calming and Greenways Program

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Staff is open to improvements to the Traffic Calming and Greenways Program. Proposed changes impact:

1. Resident-Led Traffic Calming by increasing the number of resident-signatures required to apply. This increase will be the most challenging for projects that include multi-family housing. Also, requiring that all resident-led projects are approved as a final step by the Common Council.
2. Staff-Led Traffic Calming and Greenways Projects would require Common Council approval as a final step.

Staff is open to a discussion about what is not currently working well with the recently adopted program.

# Traffic Calming and Greenways Program Overview

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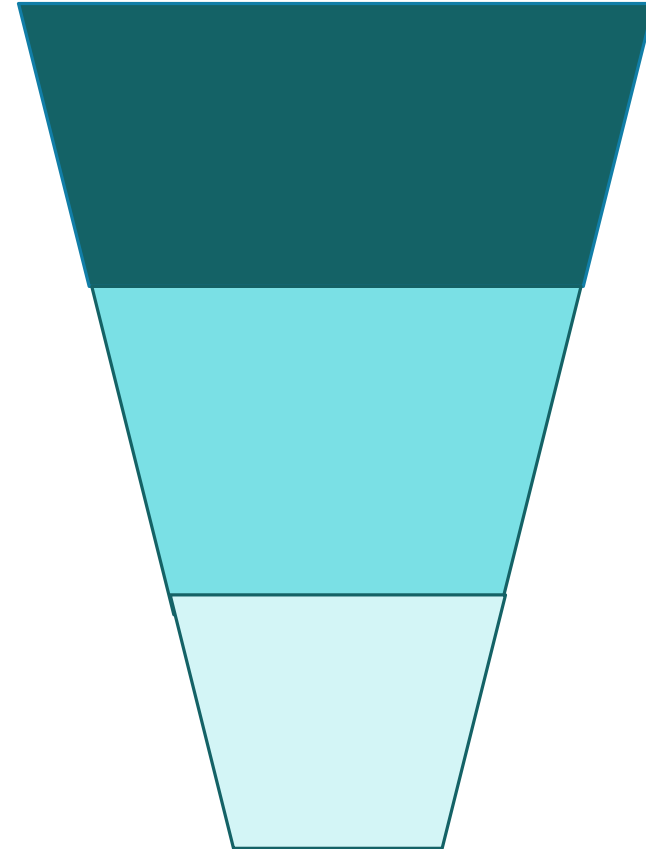
1. Planning processes and engagement
2. Traffic Calming and Greenways Program – the process
3. TCGP projects
4. Project objectives: improving safety, creating a network
5. Project prioritization
6. Questions, concerns, next steps

# Planning processes and engagement

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Broad to specific

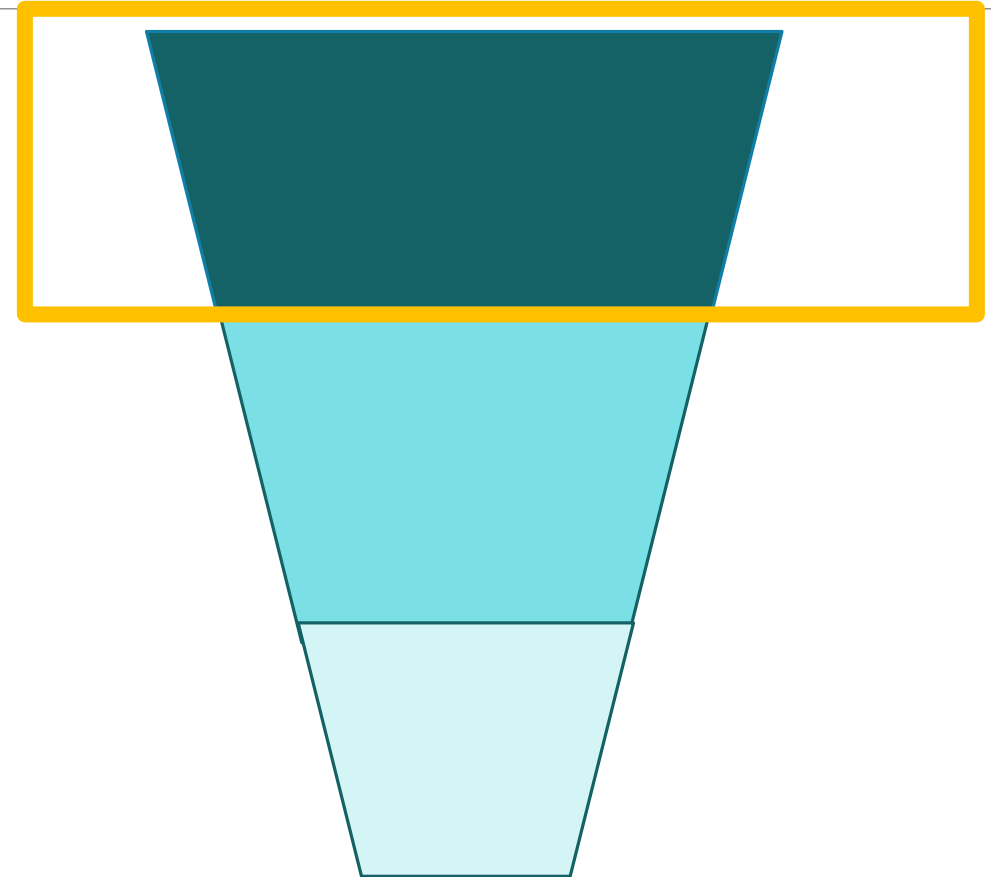
1. Comprehensive Plan
2. Transportation Plan
3. Traffic Calming and Greenways Program



# Planning processes and engagement

## Comprehensive Plan

1. Broad engagement and broad questions
2. What is our vision for the future?
3. What are our goals to achieve that vision?
4. Big picture, many topics, engagement across the community



# Planning processes and engagement

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## Comprehensive Plan

1. Community Services & Economics
2. Culture & Identity
3. Environment
4. Downtown
5. Housing and Neighborhoods
6. Transportation
7. Land Use

### **Air Quality and Emissions**

**Goal 3.6** Protect local air quality from pollutants.

**Policy 3.6.1:** Ensure that the air we breathe is safe for all Bloomington residents and visitors.

**Goal 3.7:** Reduce greenhouse gas emissions.

**Policy 3.7.1:** Promote energy-saving retrofitting of public and private buildings and informed decision-making for building renters based on energy consumption.

**Policy 3.7.2:** Reduce vehicle miles travelled per capita.

**Policy 3.7.3:** Utilize tree, shrub, and native prairie perennials to sequester carbon in order to reduce our carbon dioxide emissions.

# Planning processes and engagement

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## Comprehensive Plan: Transportation

6.1	<b>Increase Sustainability:</b> Improve the sustainability of the transportation system.
6.2	<b>Improve Public Transit:</b> Maintain, improve, and expand an accessible, safe, and efficient public transportation system.
6.3	<b>Improve the Bicycle and Pedestrian Network:</b> Maintain, improve, and expand an accessible, safe, and efficient network for pedestrians, and attain platinum status as a Bicycle Friendly Community, as rated by the League of American Bicyclists.
6.4	<b>Prioritize Non-Automotive Modes:</b> Continue to integrate all modes into the transportation network and to prioritize bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users.
6.5	<b>Protect Neighborhood Streets:</b> Protect neighborhood streets that support residential character and provide a range of local transportation options.
6.6	<b>Optimize Public Space for Parking:</b> Plan and develop parking for cars and bicycles with a focus on efficiency and equity.
6.7	<b>Educate the Public:</b> Increase residents' safe use of transportation options that minimize negative environmental and infrastructure impacts.

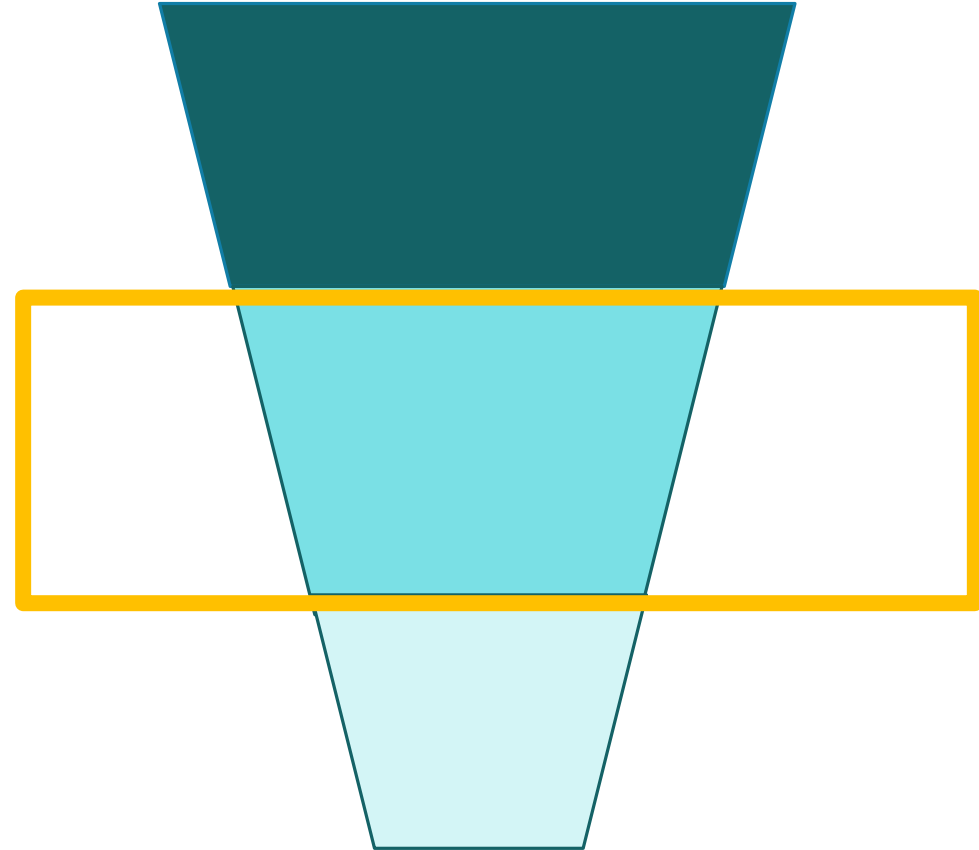


# Planning processes and engagement

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## Transportation Plan

1. Broad engagement and transportation-specific questions
2. Builds on the goals of the Comp Plan—how do we operationalize those goals in our community?



# Planning processes and engagement

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## Transportation Plan

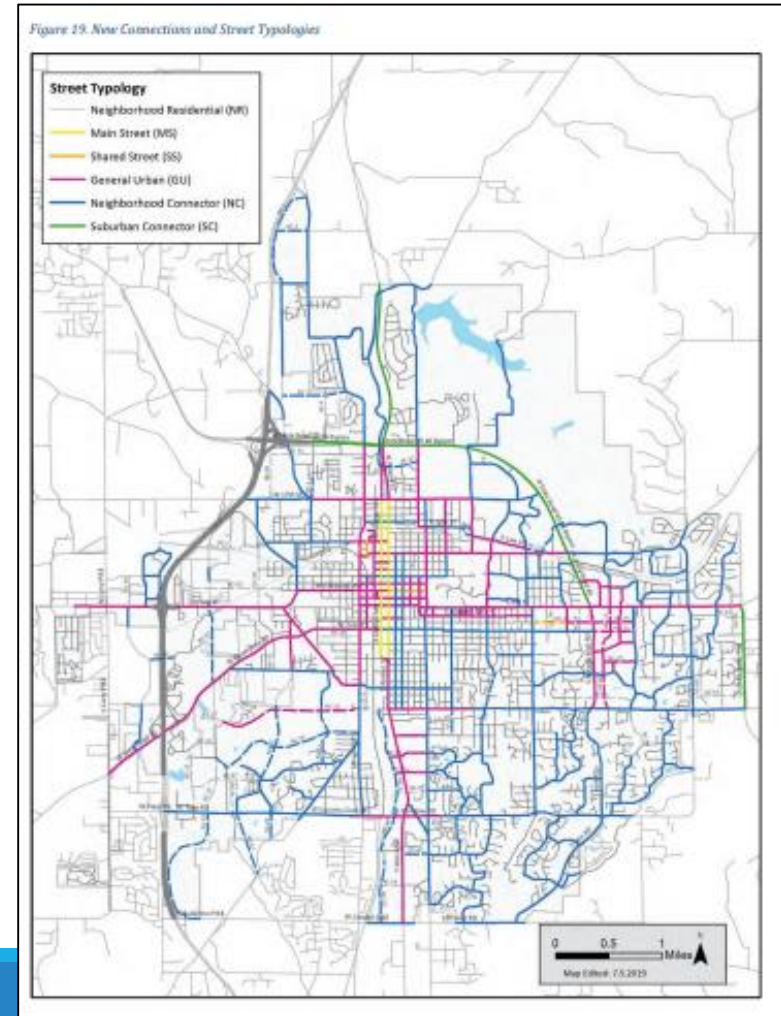
1. How do we achieve our Comprehensive Plan goals for our transportation network?
2. In order to meet our goals, what are our recommendations for every street within the city?
3. Because this builds on the Comprehensive Plan, the engagement questions do not ask, “What are our goals?” That question has been answered.



# Planning processes and engagement

## Transportation Plan

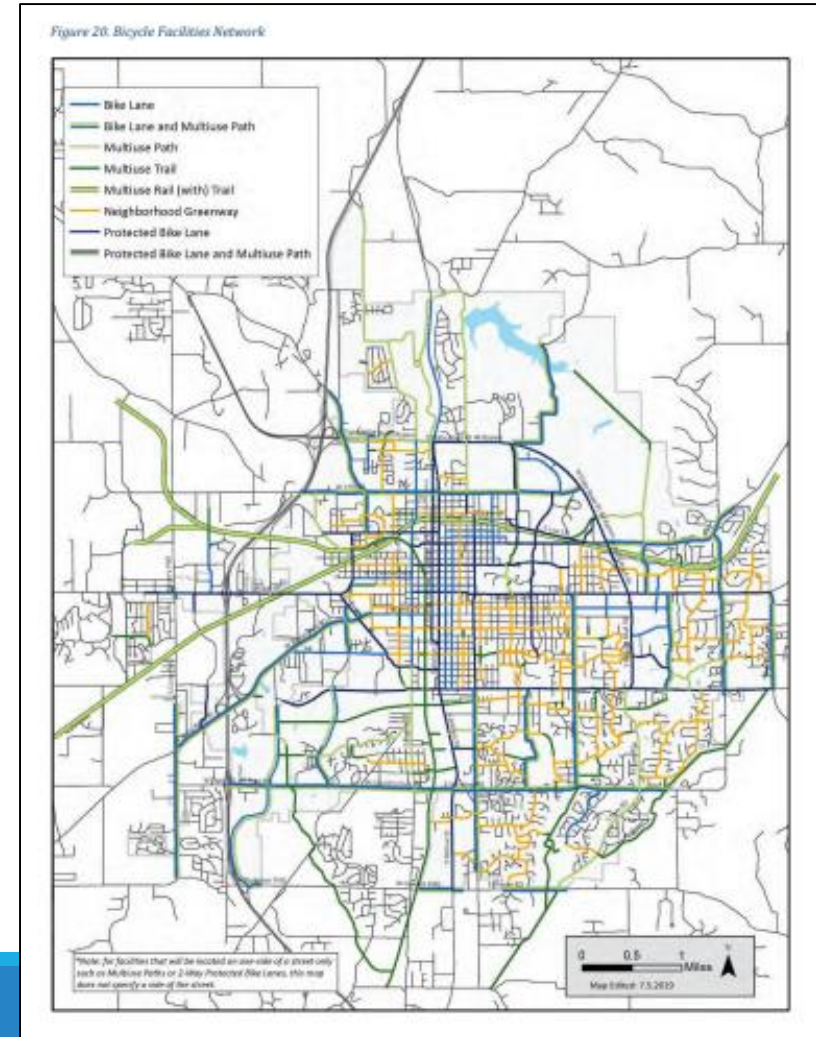
1. Street typologies
2. Every street in the city is assigned a street typology
3. Typologies specify sidewalk widths, treeplot widths, travel lane widths, and on-street parking
4. Figure 19: New Connections and Street Typologies



# Planning processes and engagement

## Transportation Plan

1. Bicycle Facility Network
2. Every street in the city was reviewed and an appropriate bicycle facility was recommended based on Comprehensive Plan goals
3. Figure 20: Bicycle Facilities Network



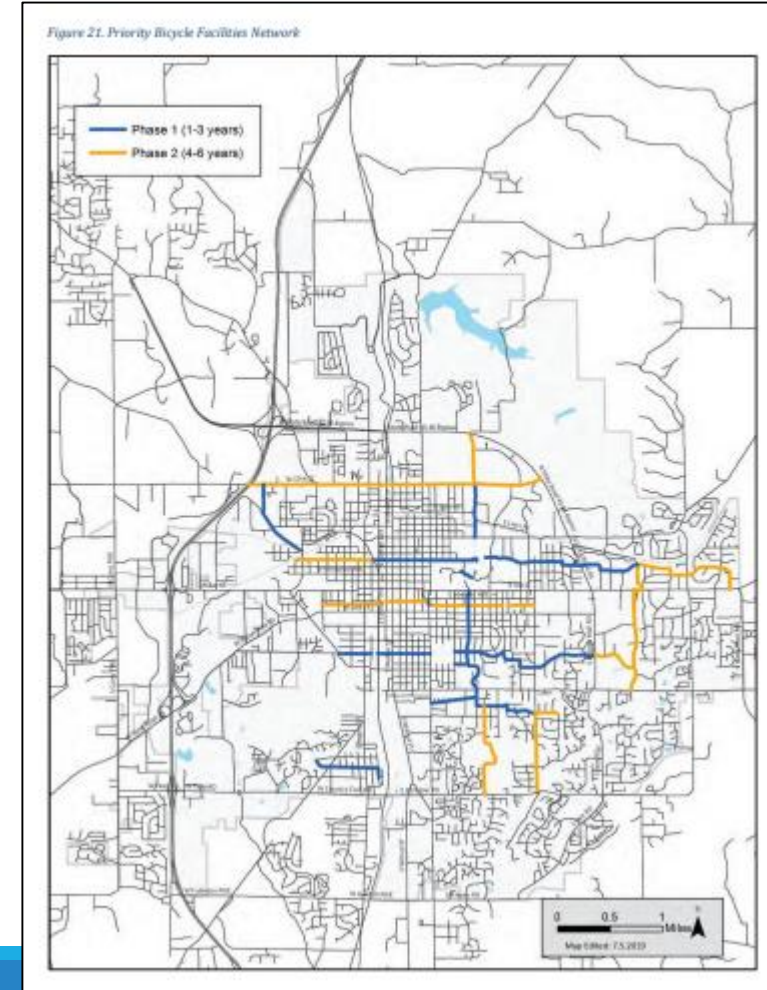


# Planning processes and engagement

## Transportation Plan

### Bicycle Facility Types:

- Multiuse Paths and Trails
- Protected Bike Lanes
- Buffered Bike Lanes
- Conventional Bike Lanes
- Neighborhood Greenways
- Advisory Bike Lane/Shoulder



# Planning processes and engagement

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## Transportation Plan

1. Bicycle Facilities defined: protected bike lane, conventional bike lane, trail, neighborhood greenway etc.
2. Similar to street typologies, each bicycle facility type is described in the text of the plan.
3. Neighborhood Greenway is a type of bicycle facility.

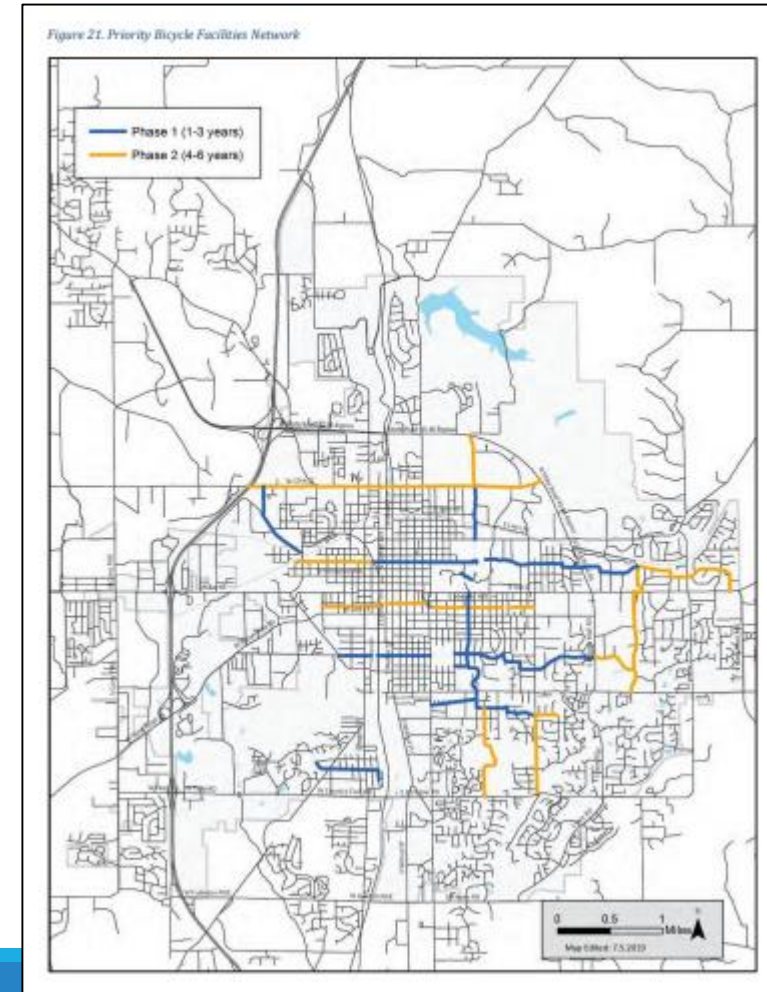
### *Neighborhood Greenways*

Neighborhood greenways (also referred to as bicycle boulevards or neighborhood bikeways) are low-speed, low-volume shared roadways that create a high-comfort walking and bicycling environment. In addition to shared lane markings and wayfinding signs, traffic calming or diversion treatments are often used to promote speed and volume reduction (less than 25 mph and 3,000 vehicles per day). Another option would be to

# Planning processes and engagement

## Transportation Plan

1. Priority Bicycle Facilities Network
2. “Figure 21 shows the High-Priority Bike Network for Bloomington. Given the limited resources, the projects highlighted in the map and listed in Table 7, are anticipated to achieve the biggest impact within a short timeframe to advance multimodal transportation in the City. These projects form the basic east-west and north-south bicycle network that will be the backbone of the multimodal transportation system in the City.”



# Planning processes and engagement

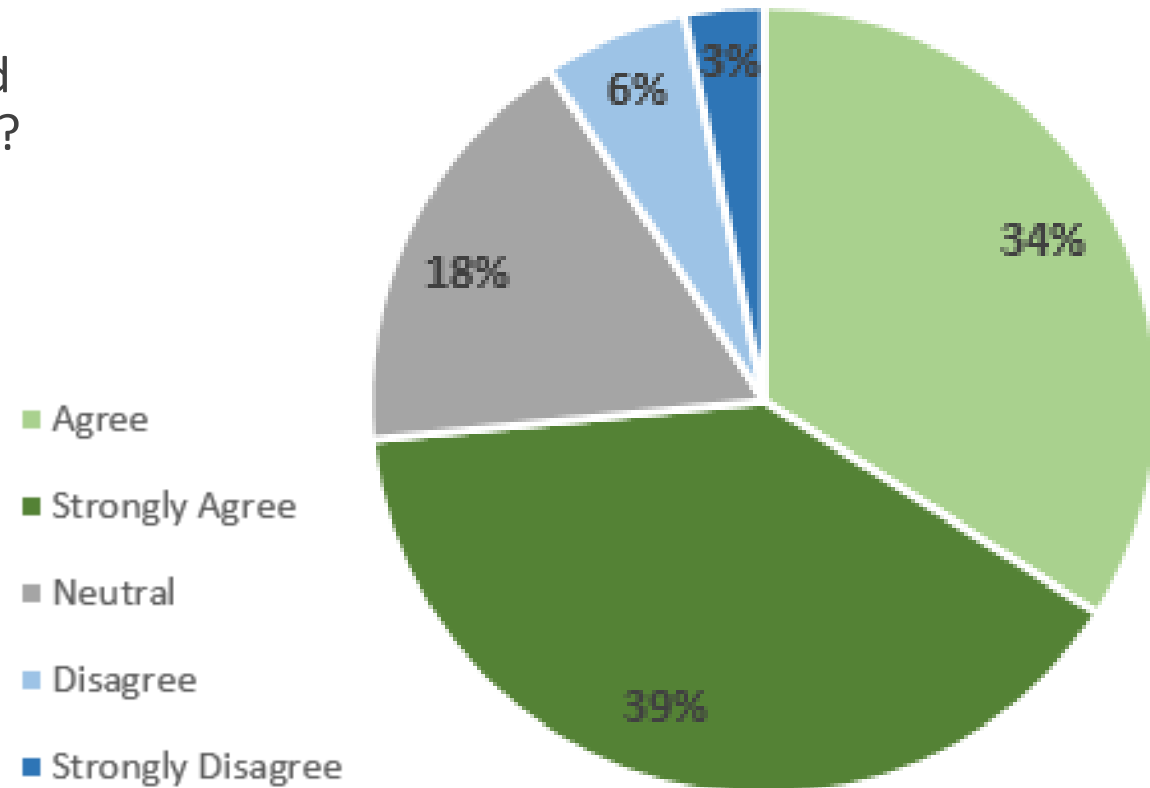
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## Transportation Plan

Is there support to extend the B-Line and invest in high-priority multimodal routes?

Yes, 523 respondents

73% of residents Strongly Agree or Agree





# Planning processes and engagement

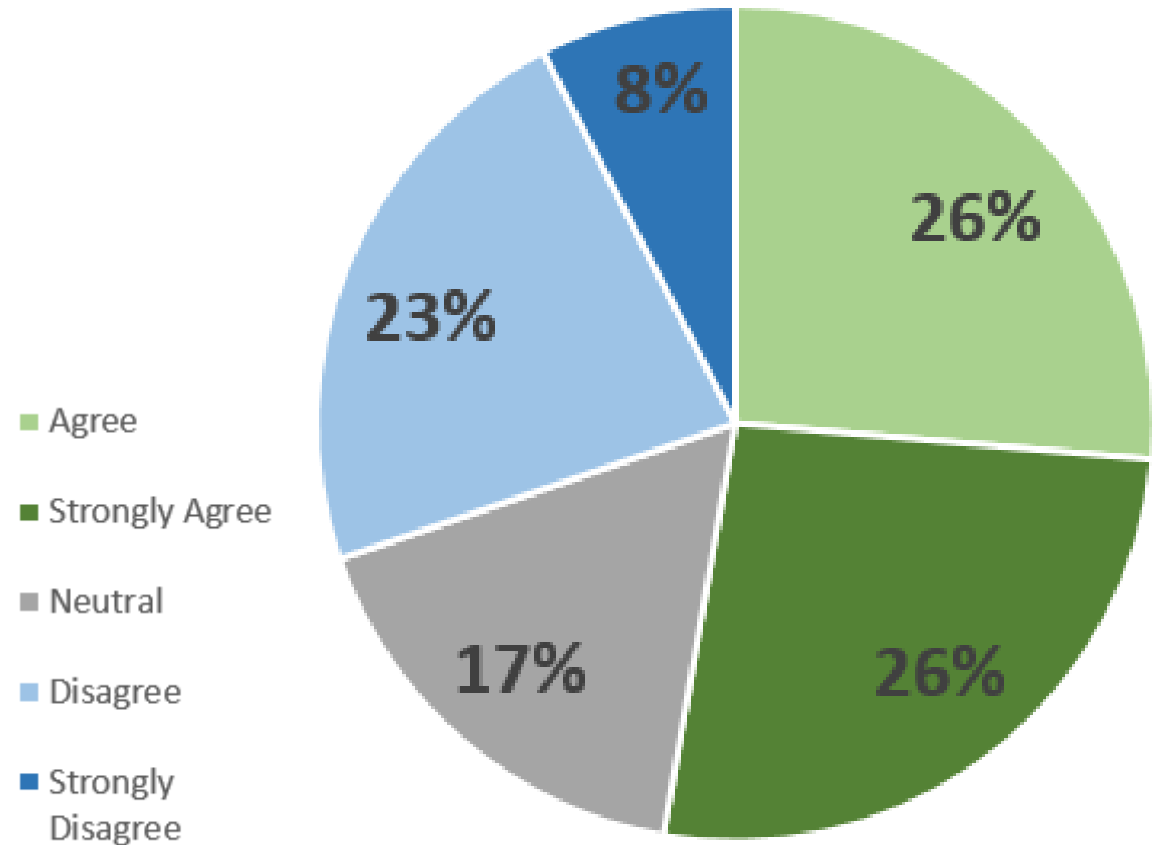
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## Transportation Plan

Is there support to expand the Neighborhood Greenway network?

Yes, 618 respondents

52% of residents Strongly Agree or Agree, 17% neutral



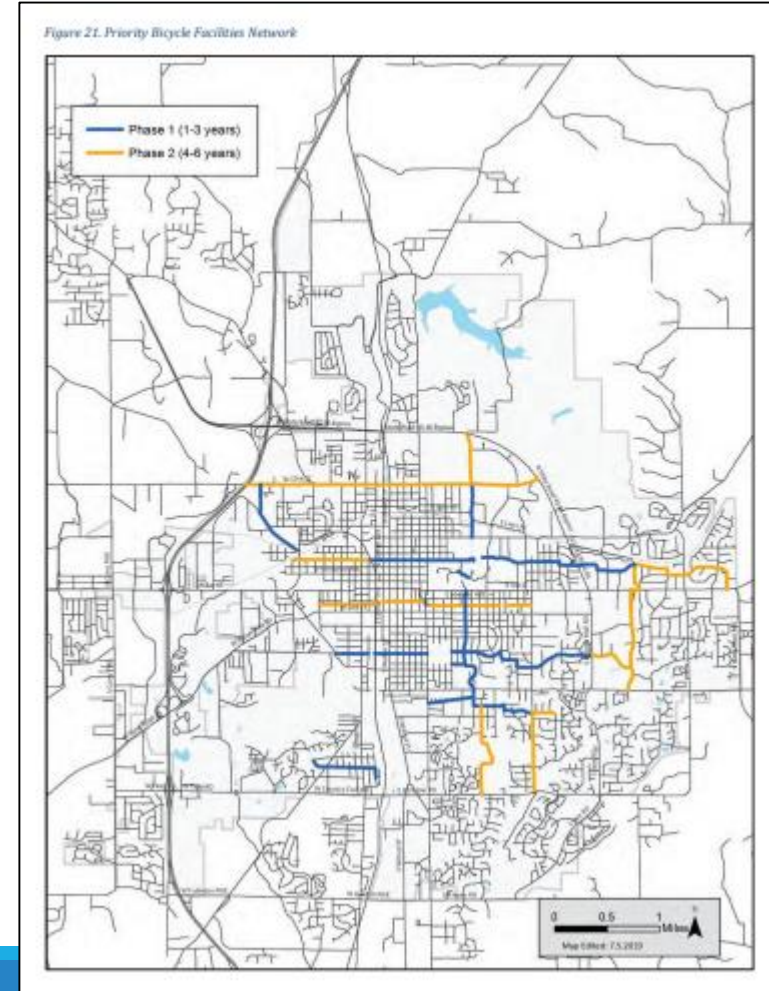
# Planning processes and engagement

## Transportation Plan

The Transportation Plan was passed by the Common Council on May 22, 2019

Based on the goals adopted in the Comprehensive Plan, the Transportation Plan answers:

- What do we want our streets to look like;
- What are the bicycle facilities recommendations for each street in the City;
- Recommendations for how to prioritize projects; and
- Recommendations for determining tradeoffs.

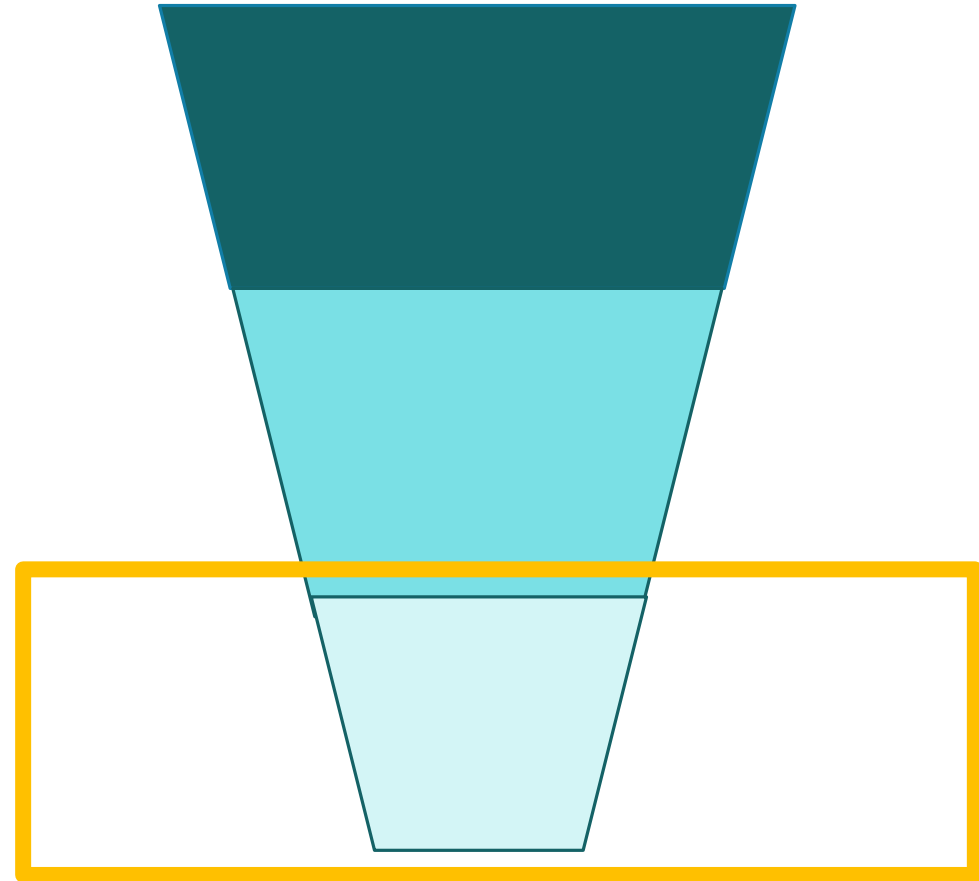


# Planning processes and engagement

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## Traffic Calming and Greenways Program

1. Targeted engagement and design-specific questions
2. Builds on the goals of the Comp Plan and recommendations of the Transportation Plan
3. For Neighborhood Greenways, other plans have answered why and where.



	Is this project needed?	Does this project support community goals?	How is project design approached?
Resident-Led	Residents identify their interest by talking with neighbors, collecting signatures, and requesting support from a councilmember. Staff collects data to determine if there is a need.	Only certain street typologies are eligible. Supports improving safety, walking, bicycling, and access to transit.	<ul style="list-style-type: none"> <li>• Project design is approached from a technical perspective, focused on improving safety.</li> <li>• Resident project leaders are involved throughout.</li> <li>• Residents within 300 feet of the project are mailed letters and informed of opportunities to share input with staff or in a public meeting.</li> </ul>

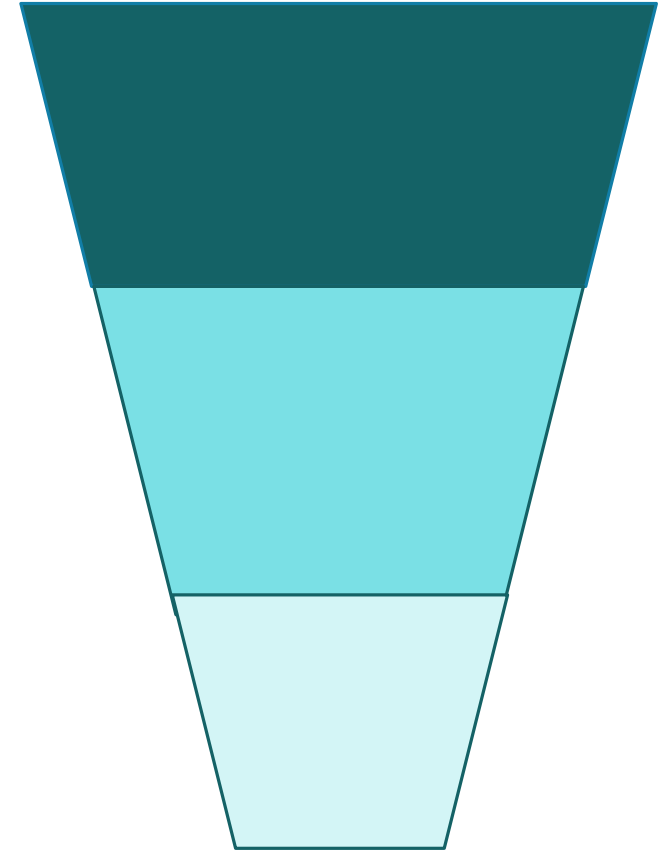
	Is this project needed?	Does this project support community goals?	How is project design approached?
Resident-Led	Residents identify their interest by talking with neighbors, collecting signatures, and requesting support from a councilmember. Staff collects data to determine if there is a need.	Only certain street typologies are eligible. Supports improving safety, walking, bicycling, and access to transit.	<ul style="list-style-type: none"> <li>• Project design is approached from a technical perspective, focused on improving safety.</li> <li>• Resident project leaders are involved throughout.</li> <li>• Residents within 300 feet of the project are mailed letters and informed of opportunities to share input with staff or in a public meeting.</li> </ul>
Staff-Led Neighborhood Greenway	This was reviewed and identified in the Transportation Plan.	This was reviewed and identified by the goals of the Comp Plan and then the recommendations of the Transportation Plan.	<ul style="list-style-type: none"> <li>• This is the focus of public engagement for a neighborhood greenway.</li> <li>• Residents within 300 feet of the project are mailed information about the project and about the meetings.</li> <li>• Staff hosts 2-3 meetings to ask for input, review design, and present design changes.</li> <li>• Design is reviewed and approved in a public meeting of the Bicycle and Pedestrian Safety Commission.</li> </ul>

# Planning processes and engagement

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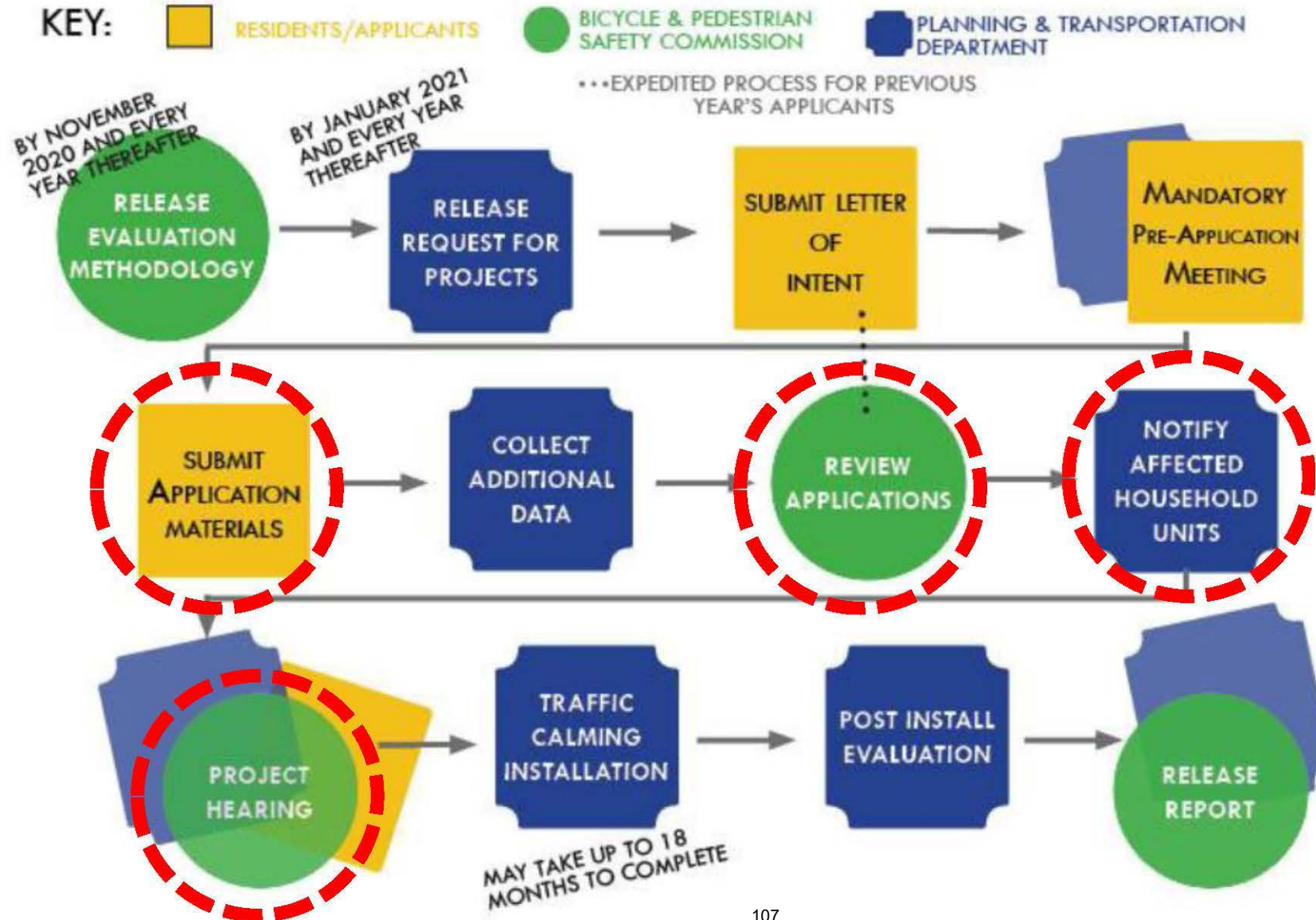
## Summary

1. Comprehensive Plan: What is vision for the future our community?
2. Transportation Plan: In order to meet our goals, what are our recommendations for every street within the city?
3. TCGP: How do we design neighborhood greenways and other traffic calming to support community goals?



# Resident-Led Traffic Calming Process

## A VISUAL OVERVIEW





# Staff-Led Neighborhood Traffic Calming/Greenway Process

## A VISUAL OVERVIEW

KEY:



RESIDENTS/APPLICANTS

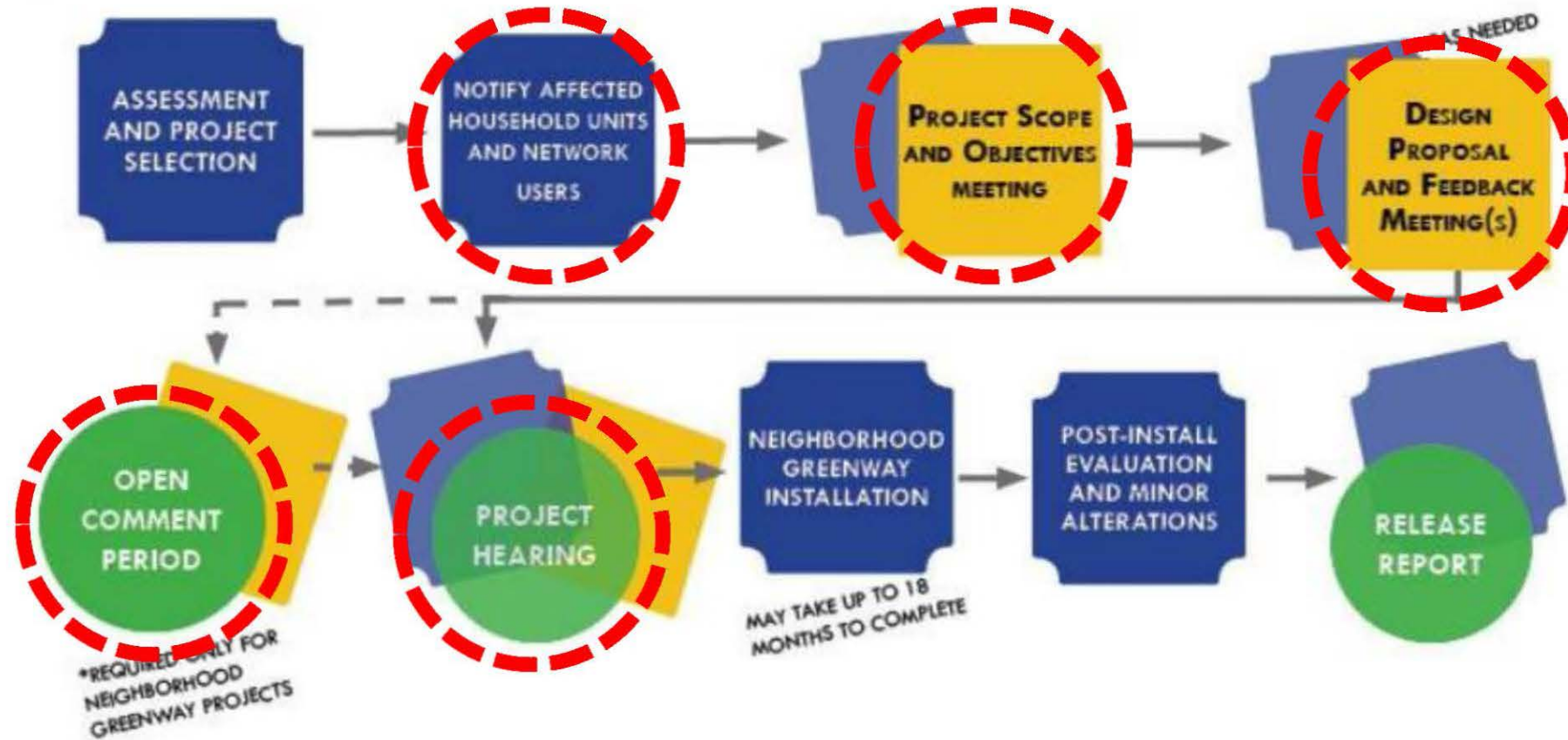


BICYCLE & PEDESTRIAN  
SAFETY COMMISSION



PLANNING & TRANSPORTATION  
DEPARTMENT

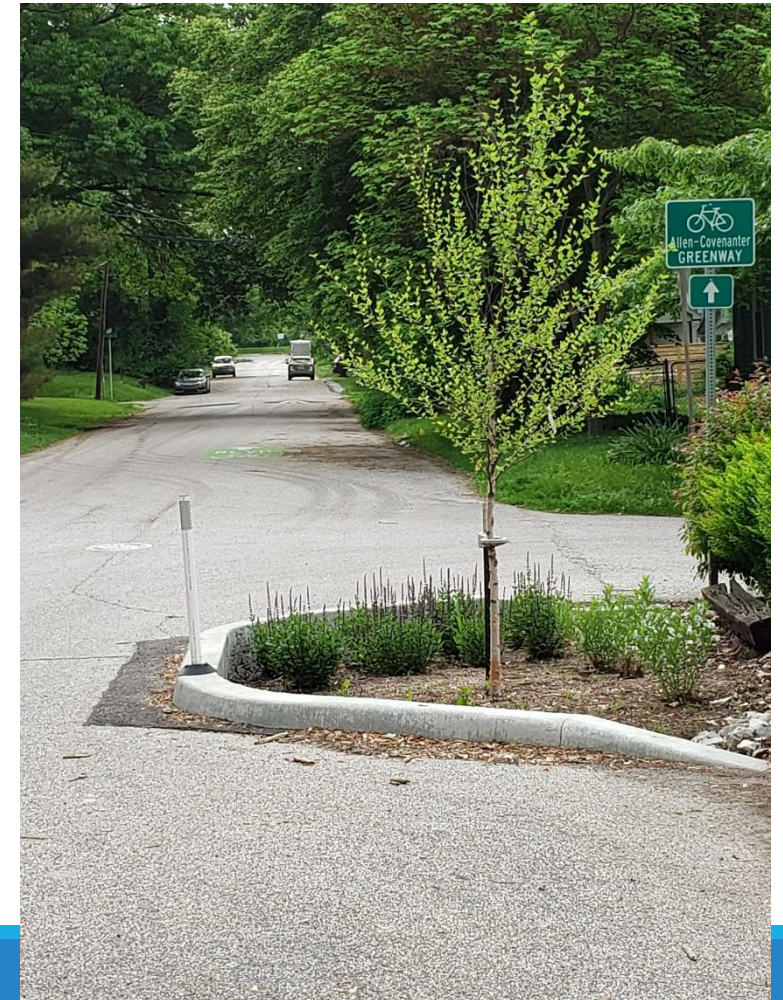
---> PROCESS REQUIRED ONLY FOR  
NEIGHBORHOOD GREENWAYS





# TCGP Projects

Process	Projects
Resident-Led	<ul style="list-style-type: none"><li>• W. 12<sup>th</sup> Street and W. 13<sup>th</sup> Street (installed)</li><li>• E. Maxwell Lane (designed, planned for installation 2023)</li></ul>
Staff-Led Neighborhood Greenways	<ul style="list-style-type: none"><li>• E. Allen Street (Walnut St. to Henderson St., installed)</li><li>• E. 7<sup>th</sup> Street (Union St. to the Bypass, installed)</li><li>• W. Graham Dr. (Rockport Rd. to the B-Line Trail, installed)</li><li>• W. Allen Street (Patterson Dr. to the B-Line Trail, designed, planned for installation 2023)</li><li>• S. Hawthorne Dr./Weatherstone Ln (in process, 3<sup>rd</sup> public meeting scheduled)</li></ul>





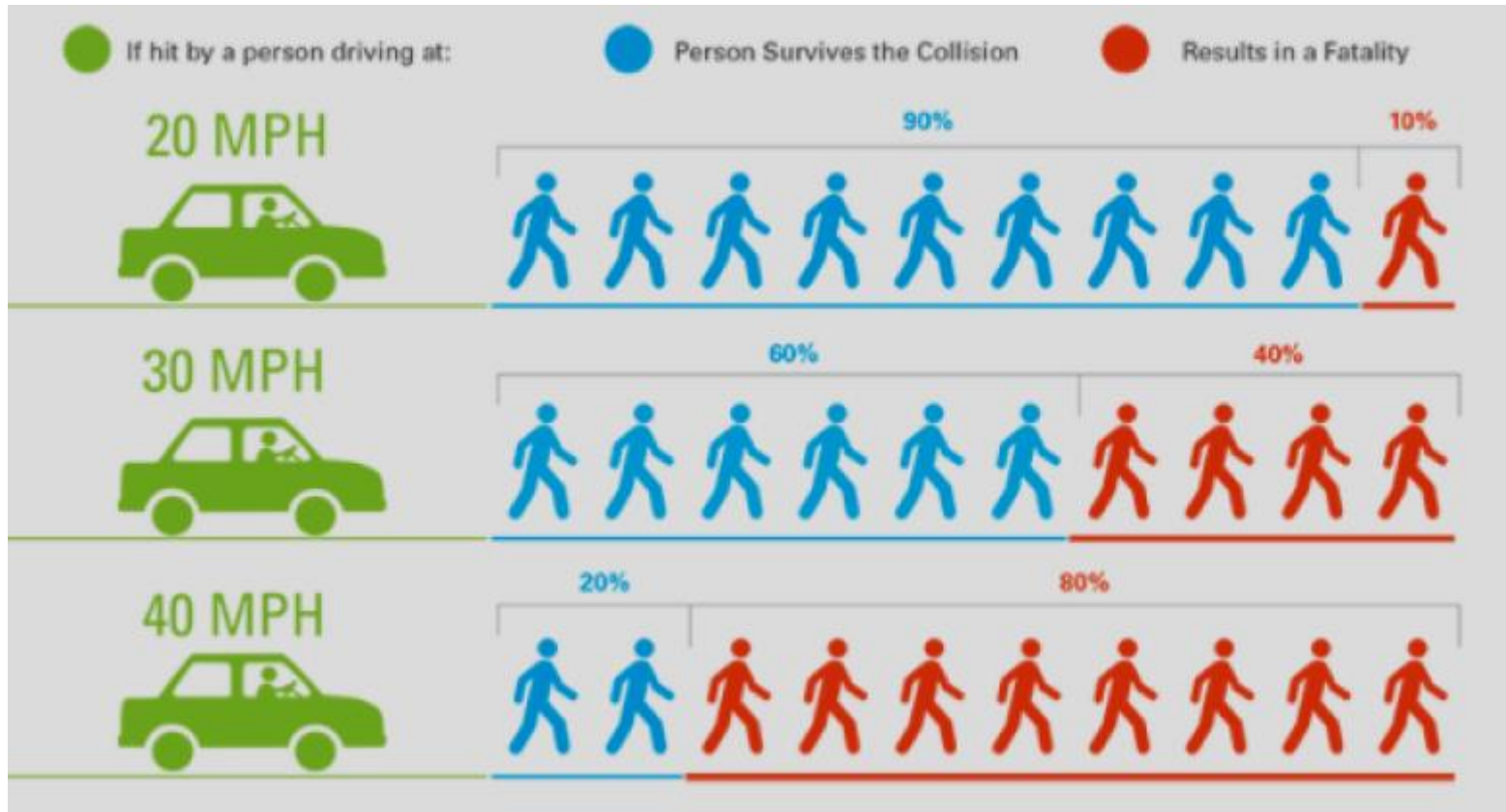
# TCGP Project Objectives

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## Connected to Comprehensive Plan Goals

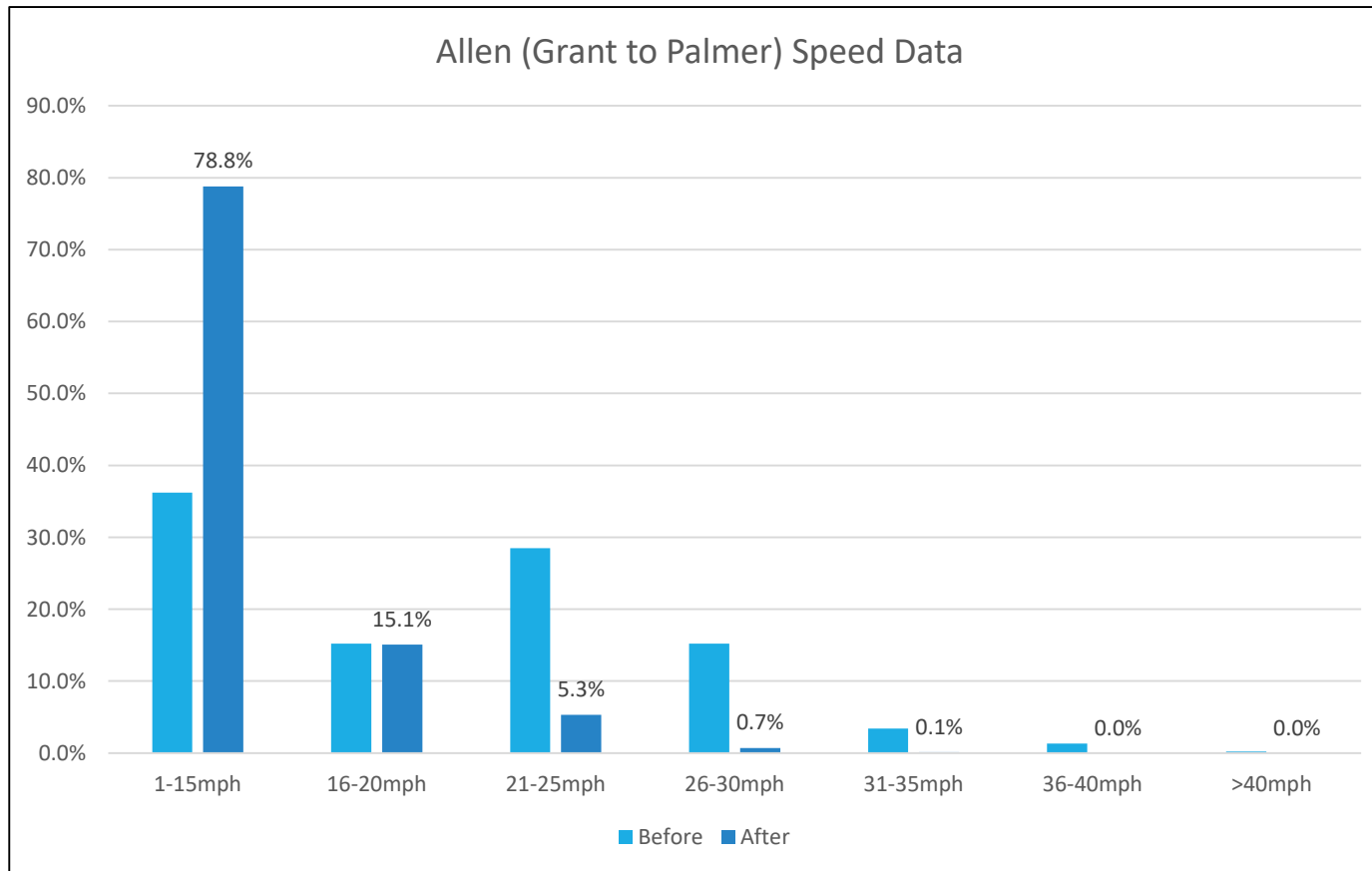
1. Goal 6.1 Increase Sustainability: Improve the sustainability of the transportation system.
2. Goal 6.3 Improve the Bicycle and Pedestrian Network: Maintain, improve, and expand on accessible, safe, and efficient network for pedestrians, and attain platinum status as a Bicycle Friendly Community, as rated by the League of American Bicyclists.
3. Goal 6.4 Prioritize Non-Automotive Modes: Continue to integrate all modes into the transportation network and to prioritize bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users.

# TCGP Project Objectives



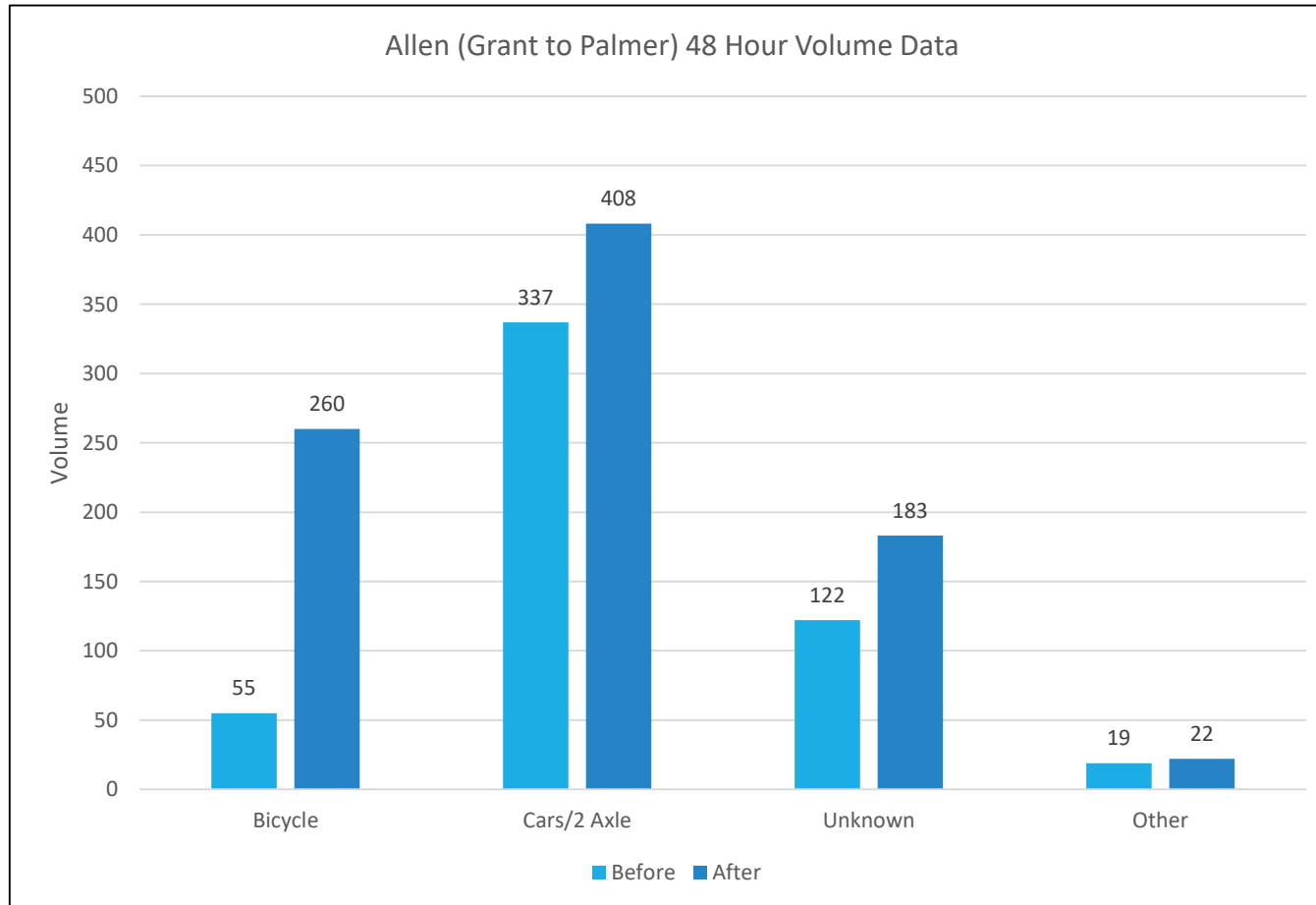
- Even small changes in impact speed have a large effect on the risk of fatal injury.
- A risk of pedestrian fatality at an impact speed of 20 MPH is 10%, the risk of a pedestrian fatality at an impact speed of 40 MPH is 80% (this increases with SUVs and trucks)
- Source: US Dept. of Transportation, March 2000

# TCGP Project Objectives



- Goal 6.3 Improve the Bicycle and Pedestrian Network
- Improve safety

# TCGP Project Objectives



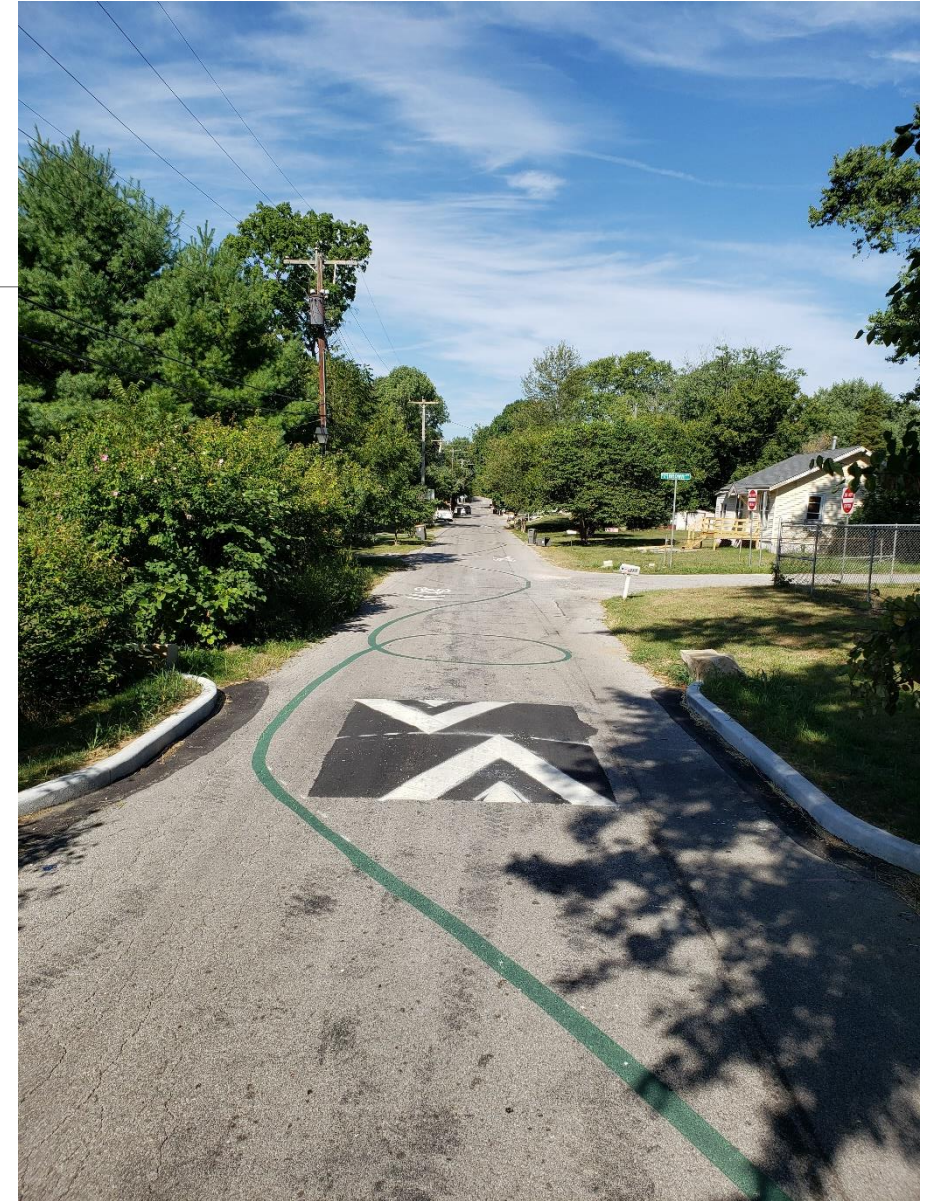
- Goal 6.3 Improve the Bicycle and Pedestrian Network
- Allen Street: increased pedestrian usage.
- “The pedestrian parade”



# Project Prioritization

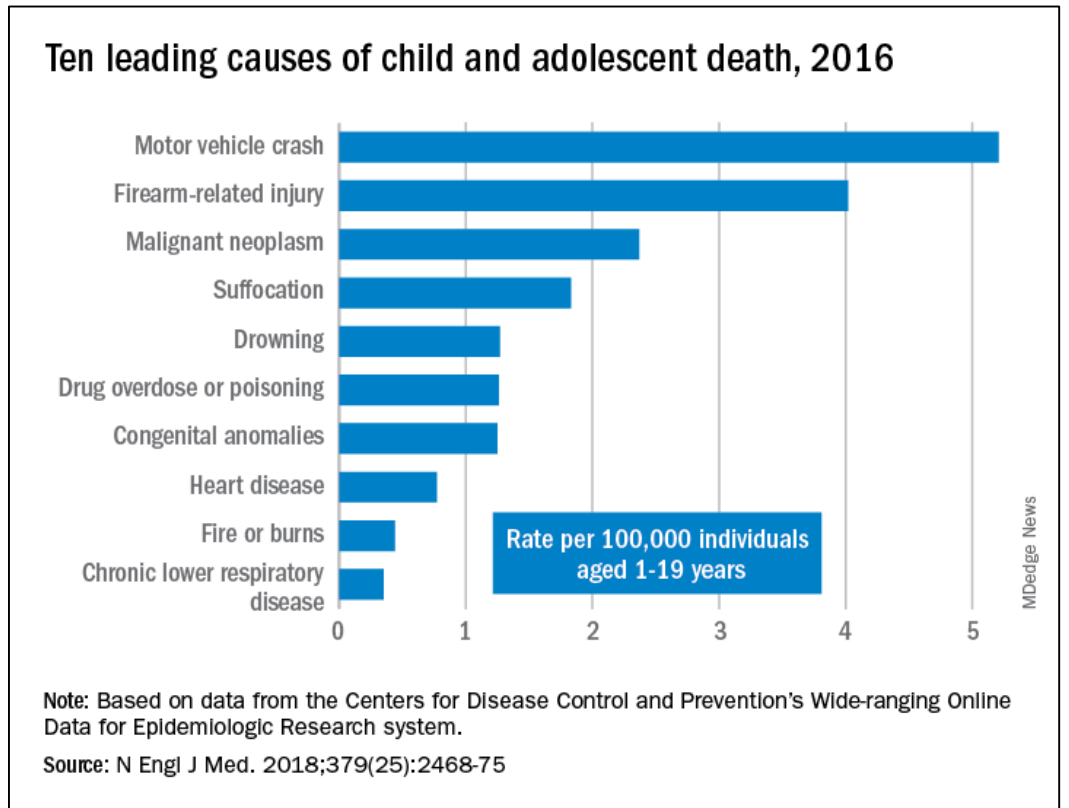
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- For Neighborhood Greenways, staff uses the Priority Bicycle Facilities Map from the Transportation Plan to prioritize.
- Resident-led: residents request projects. Then, the Bicycle and Pedestrian Safety Commission prioritizes projects using an annually -reviewed and –adopted evaluation methodology. The criteria focus on history of crashes, likely prevalence of pedestrians, motor vehicle volumes, and motor vehicle speeds.



# Questions, concerns, and next steps

- Resident-led traffic calming typically receives ~\$50,000 a year. This can be allocated by the Council Sidewalk Committee.
- Neighborhood Greenway projects are funded through the Alternative Transportation Fund, which is approximately \$375,000 each year. That quantity typically funds construction of two sections of Neighborhood Greenway.
- Neighborhood Greenways construction cost about \$200,000 - \$400,000 per mile.
- New sidewalks on one side of a street cost approximately \$2 million per mile.
- According to Zillow, the average cost of a home in Bloomington is \$310,290.





# Questions, concerns, and next steps

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- Staff is concerned that a higher threshold of signatures will be a barrier for people to participate in the resident-led program.
- Consider increasing the number of letters of support from councilmembers for resident-led projects in place of approval at the end of the process.
- Staff is concerned with the timing of the council approval for both processes. Each process includes public engagement.
- If there are concerns that a street should not be a Neighborhood Greenway, then the Transportation Plan should be amended.
- What are concerns with the current process?
- What criteria does council intend to use to review and approve projects? It will be helpful for staff to be aware of criteria.





**MEMO FROM COUNCIL OFFICE ON:**

**Ordinance 23-10 – To Amend Title 20 (Unified Development Ordinance) of the  
Bloomington Municipal Code –  
Re: Amendments and Updates Set Forth in BMC 20.03 and 20.04**

---

**Synopsis**

This petition contains amendments in Chapter 3 of the UDO related to chicken flocks and Chapter 4 of the UDO related to maximum parking standards.

**Relevant Materials**

- Ordinance 23-10
- Certification form from Plan Commission
- Attachment A & staff memo, with redline amendments showing proposed changes

**Background**

On April 10, 2023, the Plan Commission considered a proposal brought forward by city planning staff to make amendments to the UDO related to chicken flocks and maximum parking standards. The Plan Commission Case ZO-12-23 was given a recommendation of approval by a vote of 9-0-0. The April Plan Commission meeting can be viewed online here: <https://catstv.net/m.php?q=12305>).

**Summary**

The administration is proposing text amendments to the city’s Unified Development Ordinance (“UDO”) as an addendum to its annual update and amendment to the UDO, which was previously brought forward in four ordinances (Ordinances 23-04 through 23-07) that were adopted during the April 19, 2023 Regular Session.

The amendments within Chapter 4 (Development Standards and Incentives) of the UDO follow Plan Commission discussions regarding parking maximums during its March and April 2023 meetings. The Planning & Transportation Department proposed and the Plan Commission recommended the addition of new parking maximums for nearly 70 land uses in order to align the code with the City’s Comprehensive Plan. The staff memo details additional information on this proposal.

One additional change in Chapter 3 (Use Regulations) of the UDO was proposed in anticipation of amendments to Title 7 (Animals) of the Bloomington Municipal Code (BMC) related to chicken flock regulations. A number of councilmembers have expressed interest in proposing an ordinance to increase the number of chicken flocks allowed within city limits. Such a change within Title 7 would necessitate an update to UDO use-specific standards regarding chicken flocks, which currently allow for one chicken flock as an accessory use. The amendment to the UDO does not, by itself, allow for additional chicken



flocks. If amended, the UDO use-specific standards would no longer foreclose the possibility of additional chicken flocks if and when Title 7 of the BMC is revised.

#### General Information about UDO Updates:

General information about the UDO, including the complete text of the current UDO, can be found here: <https://bloomington.in.gov/planning/udo>. For information about the Council's 2019 repeal and replacement of the UDO, please visit the following site:

<https://bloomington.in.gov/council/plan-schedule>. Finally, councilmembers and the public can find the city's Comprehensive Plan online here:

<https://bloomington.in.gov/planning/comprehensive-plan>.

Proposals to amend the text of the UDO are governed by state law under Indiana Code (IC) 36-7-4 in the "600 Series – Zoning Ordinance." As a threshold matter, state law provides that the purpose of the local planning and zoning laws are "to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, forestry, industry, and business be recognized in future growth;
4. that residential areas provide healthful surroundings for family life; and
5. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds."

Further, in considering UDO text amendments, both state and local codes require the legislative body to pay reasonable regard to:

1. the Comprehensive Plan;
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of sensitive environmental features (a local criteria);
5. the conservation of property values throughout the jurisdiction; and
6. responsible development and growth.

Importantly, these are factors that a legislative body must *consider* when deliberating on zoning ordinance proposals. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors. Notably, Indiana courts have found that comprehensive plans are guides to community development, rather than instruments of land-use control. A municipality must consider all



**City of Bloomington Indiana**

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Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

factors and make a balanced determination. *Borsuk v. Town of St. John*, 820 N.E.2d 118 (2005).

IC 36-7-4-607 provides the following procedure that applies to a proposal to amend or partially repeal the text of the UDO:

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. This proposal received a favorable recommendation by the Plan Commission of 9-0. The Council must consider the Commission recommendation before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification, the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

These detailed procedures may seem cumbersome, but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

**Contacts**

Jacqueline Scanlan, Development Services Manager, 812-349-3423,

[scanlanj@bloomington.in.gov](mailto:scanlanj@bloomington.in.gov)

Scott Robinson, Director, Planning and Transportation Department, 812-349-3423,

[robinsos@bloomington.in.gov](mailto:robinsos@bloomington.in.gov)

**ORDINANCE 23-10**

**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)  
OF THE BLOOMINGTON MUNICIPAL CODE –  
Re: Amendments and Updates Set Forth in BMC 20.03 and 20.04**

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, on April 10, 2023, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on April 18, 2023; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION 2. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-12-23 (“Attachment A”)
  - (B) Any Council attachments thereto (“Attachment B”)

SECTION 3. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

SECTION 4. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
SUE SGAMBELLURI, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this \_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This petition contains amendments in Chapter 3 of the UDO related to chicken flocks and Chapter 4 of the UDO related to maximum parking standards.



\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*


In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 23-10 is a true and complete copy of Plan Commission Case Number ZO-12-23 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 10, 2023.



Date: April 18, 2023

\_\_\_\_\_  
Scott Robinson, Secretary  
Plan Commission

Received by the Common Council Office this 18th day of April, 2023.

  
\_\_\_\_\_  
Nicole Bolden, City Clerk

Appropriation Ordinance #	_____	Fiscal Impact Statement Ordinance #	_____	Resolution #	_____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/- )	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes \_\_\_\_\_ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-12-23 amends the Unified Development Ordinance (UDO), with amendments and updates to processes and procedures related to chicken flocks and maximum parking standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

## Case # ZO-12-23 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Development Services Manager

**Date:** April 18, 2023

**Re:** Text Amendments to Unified Development Ordinance: Parking Maximum and Chicken Flock

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The Plan Commission heard case ZO-12-23 on April 10, 2023 and voted to send the petition to the Common Council with a positive recommendation with a vote of 9-0.

The Planning and Transportation Department proposes an addendum to its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code.

At its March 2023 hearing, the Plan Commission discussed the annual UDO text amendment update. The Department proposed parking maximums for just under 70 uses that currently have no maximum in Table 04-10. A member of the public appeared at the hearing with concerns about adding maximums, and the Plan Commission voted to remove the parking maximum proposal. More information about that proposal is included below. The Common Council is working on an update to regulations related to chicken flocks, and a Title 20 update needed to be done to align with the proposed changes. No changes to proposed uses or zoning districts are included in this update.

That petition is as follows:

1. ZO-12-23 | UDO Chapter 3, Use Regulations; UDO Chapter 4, Development Standards & Incentives

### ZO-12-23 UDO Chapter 3, Use Regulations; UDO Chapter 4, Development Standards & Incentives

There is one amendment proposed for Chapter 3 related to the accessory use, ‘chicken flock’ that is a technical amendment to align Title 20 with Title 7 changes that are being brought forward by the Common Council. The Council is proposing to allow more than one flock per parcel, so the Title 20 amendment changes the reference in the Use-Specific standards from ‘one flock’ to ‘flocks.’

The amendments in Chapter 4 are related to Table 04-10, which addresses the Maximum Parking Standards for uses in the UDO. When the UDO was repealed and replaced after the 2019-2020 Update process, a number of uses were left with ‘no limit’ as their parking maximum. The



Department is proposing to add maximums to those uses that do not currently have maximums in order to align the code with the Comprehensive Plan, provide that all uses have maximums for consistency of regulation, and still allow for the uses to be developed with necessary associated parking. The limits in Table 04-10 are for surface parking on a site. If a 'parking garage' use is also allowed in the developing zoning district, structured parking can be built. In the Downtown, the Comprehensive Plan prefers structured parking. The Land Development Policy Guidance for the Downtown says on page 86: "Land dedicated to parking should be minimized by building, preferring multi-story parking garages to surface parking lots, and by encouraging active transportation (bicycling and walking)." Additionally, in the Urban Corridor Site Design portion on page 90, the Comprehensive Plan states that "Strategies for parking will become more important in order to avoid large open areas of asphalt."

The Department used a number of resources to arrive at the maximums presented, including the Report described below, as well as researching similar uses in other locations, and looking internally at similar uses. Since March, the Department has re-visited the proposed maximums and altered a few.

The Department utilized American Planning Association's Planning Advisory Service (PAS) Report 510-511, Parking Standards, to compare uses to standards being used by other communities across the country. The Report is from 2002, so general guidance and thinking related to surface parking has shifted in the last two decades, but the numbers are a good guide to determine whether or not the proposed numbers are in the ballpark, and was also useful to suggest items to incorporate. For example, a cemetery regulation is often based on the buildings on the property and their size, not the acreage of the property, so we adjusted our recommendation accordingly.

Jail: The Department was able to find information about 3 of the jails that were identified in Monroe County's RFQ for a New Criminal Justice Center. While the Indianapolis facility houses more than the jail, including the majority of the court system and offices, the other facilities are smaller scale. Under the proposed provision, both Allen County and Lawrence County would be able to build the number of desired vehicular parking spaces.

Location	Square footage	Allowed under proposed maximum	Allowed under previous maximum*	Actual number of spaces
Allen County, IN	242,000	484	413 (1100 bed 275 employees)	326 (proposed)
Lawrence County, SD	64,200	128	45 (120 beds 30 employees)	84 (proposed)
Indianapolis-Marion County Community Justice Center	750,000 (Detention Center only)	1500	1,125 (3,000 beds 750 employees)	2067 (entire site)

\*assuming "largest shift" meets BJS inmate-to-correctional officer ratio of 4 to 1

Stadium: The Department looked at 4 stadiums in Indiana to determine how many spaces would be allowable for facilities of comparable size under the proposed regulations. The stadiums listed offer shared parking options with nearby structured parking. However, the proposed maximums allow plenty of opportunity for on-site parking. Indiana University facilities built on State-owned land are not subject to the parking maximums in Title 20. For stadium, we confirmed in the PAS Report that one space per four seats is a standard regulation used.

Location	Number of seats	Allowed under proposed maximum	Actual number of spaces on-site
Victory Field - Indianapolis	12,230	3,057	286
Loeb Stadium - Lafayette	7,500	875	0
Kokomo Municipal Stadium - Kokomo	4,000	100	63
Parkview Field - Fort Wayne	8,100	2,025	51

General Uses: For many of the general uses that did not have maximums, we applied our larger typical maximum of 3.3 spaces for every 1,000 square feet of GFA, as the vehicular uses of those sites are similar, such as kennel or pet grooming. This is the maximum that we currently use successfully for office, and our larger retail uses. We propose to utilize the number for some of our manufacturing uses, as they are often larger sites with commuting workers, and the average square footage per employee for manufacturing is very similar to office. For sites that may be

uses that are less commute-heavy, we applied the 2.5 spaces for every 1,000 square feet of GFA maximum, such as for an amenity center that would be accessory to a primary use by definition. We utilized a smaller maximum of 1.25 spaces per either 0.5 acres or 1 acre for uses that primarily take place outside of a supportive building, such as quarry or transportation terminal.

Based on the definition of ‘parking space’, the space for larger vehicles required by some uses, such as semi-trucks are not counted as part of the parking maximum total. So, manufacturing and other uses do not provide for extra space for those vehicles. However, we propose extra allowance for uses that utilize fleets of small vehicles, such as a contractor’s yard or police, fire, or rescue station.

The Department believes that adding maximums to the allowable amount of surface parking for all uses is in line with City goals that work to encourage green space and less automobile dependence, while still allowing room for necessary on-site parking for new and redeveloping uses.

**Table 03-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply  
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Utility substation and transmission facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		20.03.030(f)(3)
Wind energy system, large												P*				P*		20.03.030(f)(4)
Wind energy system, small	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	20.03.030(f)(5)
<b>ACCESSORY USES</b>																	20.03.030(g)(1)	
Chicken flock	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		P*	20.03.030(g)(2)
Detached garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								20.03.030(g)(3)
Drive-through										A*	A							20.03.030(g)(4)
Dwelling, accessory unit	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*			20.03.030(g)(5)
Electric vehicle charging facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Greenhouse, noncommercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Home occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(g)(6)
Outdoor retail and display									T*	T*	T*			T*		A*		20.03.030(g)(7)
Outdoor trash and recyclables receptacles					A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		20.03.030(g)(8)
Recycling drop-off, self-serve					A	A		A	A	A	A	A	A	A	A	A		
Swimming pool	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20.03.030(g)(9)
<b>TEMPORARY USES</b>																	20.03.030(h)(1)	
Book buyback								T*	T*	T*	T*		T*	T*				20.03.030(h)(2)
Construction support activities	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	20.03.030(h)(3)
Farm produce sales	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(4)
Real estate sales or model home	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		20.03.030(h)(5)
Seasonal sales								T*	T*	T*	T*	T*	T*	T*				20.03.030(h)(6)
Special event	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			T*	23.03.030(h)(7)

## 20.03.030 Use-Specific Standards

### (a) Generally

- The Use-Specific Standards listed in this Section 20.03.030 apply to those uses listed on the same line of Table 3-1, regardless of whether those uses are shown as Permitted, Conditional, Conditional Accessory, Accessory, or Temporary uses. These Use-Specific standards cannot be modified through the Conditional Use approval process in Section 20.06.050(b) (Conditional Use Permit), but relief may be granted through the Variance process in Section 20.06.080(b) (Variance).

(2) **Chicken Flocks**

~~One~~ Chicken flocks as defined in the Bloomington Municipal Code Section 7.01.010, may be kept as an accessory use to a permitted principal use, provided that such use is permitted by and complies with all regulations of Title 7 (Animals) of the Bloomington Municipal Code, as amended. The regulations of Title 7 (Animals) of the Bloomington Municipal Code are expressly incorporated into this UDO by reference.

(3) **Detached Garage Design**

- (A) For detached garages accessory to residential uses, exposed or corrugated metal facades are not permitted. The exterior finish building materials used for a detached garage shall comply with the standards in Section 20.04.070(d)(3)(B) (Materials).
- (B) Detached garages and carports shall be located a minimum of 10 feet behind the primary structure's front facade and five feet from side and rear property lines, except for exceptions listed in Section 20.04.020(e)(3) (Exceptions to Setback Requirements).

(4) **Drive-Through**

- (A) In the MM district, all uses, except for financial institutions shall be limited to one drive-through bay. Financial institutions shall be allowed up to three drive-through bays.
- (B) In the MC district, all uses, except for financial institutions shall be limited to two drive-through bays. Financial institutions shall be allowed up to three drive-through bays.

(5) **Dwelling, Accessory Unit**

(A) **Purpose**

These accessory dwelling unit ("ADU") standards are intended to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the City's workforce, seniors, families with changing needs, and others for whom ADUs present an affordable housing option.

(B) **Generally**

- i. This use shall be accessory to a single-family or duplex dwelling that is the principal use on the same lot or parcel.
- ii. Not more than one ADU may be located on one lot.
- iii. ADUs shall not contain more than two bedrooms.
- iv. No more than one family, as defined in Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07: (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date. For purposes of this section, attached ADUs with internal access that were approved under this ordinance shall be considered one dwelling unit.
- v. A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department if no building permit is processed for the ADU.

**(d) Minimum Vehicle Parking Requirement**

**(1) Applicability**

**(A) Generally**

Each development or land use subject to this section pursuant to Section 20.04.060 shall provide at least the minimum number of vehicle parking spaces required for each land use listed in Table 04-9: Minimum Vehicle Parking Requirements.

**(B) MD District**

Minimum parking requirements do not apply to development in the Courthouse Square Character Area or the Downtown Core Character Area south of 4<sup>th</sup> Street.

**Table 04-9: Minimum Vehicle Parking Requirements**

DU = dwelling unit

	All Other Zoning Districts	MD Zoning District
Dwelling, single-family (detached)	No requirement	
Dwelling, single-family (attached)		
Dwelling, duplex [3]	0.5 spaces per DU [1]	No requirement
Dwelling, triplex [3]		
Dwelling, fourplex [3]		
Dwelling, multifamily [2]	Studio: 0.5 space per DU 1 bedroom: 1 space per DU 2 bedrooms: 1.5 spaces per DU 3 bedrooms: 2 spaces per DU	
Dwelling, live/work	No requirement	
Dwelling, cottage development	1 space per DU	
Dwelling, mobile home	1 space per DU	
Manufactured home park		
Noncommercial urban agriculture	2 spaces per lot	
Student housing or dormitory	0-10 bedrooms: no requirement 11 or more bedrooms: 0.5 spaces per bedroom	

**NOTES:**

[1] See Section 20.04.110 (Incentives) for alternative standards.

[2] Minimums shall only apply to multifamily development within or adjacent to the R3 zoning district and all multifamily development in the MD zoning district.

[3] Minimum parking for duplexes, triplexes, and fourplexes only applies in the R1, R2, R3, and R4 districts.

**(e) Maximum Vehicle Parking Allowance**

In no case shall any land use or development subject to this Section 20.04.060 provide more than the maximum number of vehicle parking spaces allowed for each land use listed in Table 04-10: Maximum Vehicle Parking Allowance.

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
<b>RESIDENTIAL USES</b>	
<b>Household Living</b>	
Dwelling, single-family (detached)	No limit
Dwelling, single-family (attached)	
Dwelling, duplex	2 spaces per DU
Dwelling, triplex	
Dwelling, fourplex	
Dwelling, multifamily	125 percent of the <del>potential required</del> minimum, or 1.25 spaces per bedroom, whichever is less. <u>When there is no required minimum number of spaces, the number of spaces listed per DU in Table 04-9 shall be used in the 125% calculation.</u>
Dwelling, live/work	1 space per DU
Dwelling, cottage development	2 spaces per DU
Dwelling, mobile home	2 spaces per DU
Manufactured home park	2 spaces per DU, plus 1 visitor space per 2 DUs
<b>Group Living</b>	
Assisted living facility	1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units; plus 1 space per 3 <del>DUs</del>
Continuing care retirement facility	
Fraternity or sorority house	0.8 spaces per bed
Group care home, FHAA small	<u>2.5 spaces per 1,000 square feet GFA</u> <del>1 space per 4 persons design capacity</del>
Group care facility, FHAA large	
Nursing or convalescent home	<u>1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units</u>
Opioid rehabilitation home, small	<u>2.5 spaces per 1,000 square feet GFA</u>
Opioid rehabilitation home, large	
Residential rooming house	2 spaces; plus 1 space per guest room
Student housing or dormitory	0.75 spaces per bedroom
Supportive housing, small	<del>No limit</del> <u>2.5 spaces per 1,000 sq. ft. GFA</u>
Supportive housing, large	
<b>PUBLIC, INSTITUTIONAL, AND CIVIC USES</b>	
<b>Community and Cultural Facilities</b>	
Art gallery, museum, or library	2 spaces per 1,000 sq. ft. GFA
Cemetery or mausoleum	<u>1 space per 4 seats in chapel or assembly area</u> <del>No limit</del>
Club or lodge	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Community center	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Conference or convention center	2 spaces per 1,000 sq. ft. GFA <del>for surface parking</del> <u>No limit for structured parking</u>

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Crematory	3.3 spaces per 1,000 sq. ft. GFA
Day-care center, adult or child	3.3 spaces per 1,000 sq. ft. GFA
Government service facility	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Jail or detention facility	<u>2 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Meeting, banquet, or event facility	4 spaces per 1,000 sq. ft. GFA
Mortuary	3.3 spaces per 1,000 sq. ft. GFA
Park	<u>5 spaces per 1 acre plus 2.5 spaces per 1,000 sq. ft. of site used for recreational equipment area</u> <del>No limit</del>
Place of worship	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Police, fire, or rescue station	<u>4 spaces per 1,000 sq. ft. GFA plus 1 space per each vehicle used for police, fire, and rescue</u> <del>No limit</del>
Urban agriculture, noncommercial	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
<b>Educational Facilities</b>	
School, college or university	<u>4 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
School, public or private	<u>4 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
School, trade or business	4 spaces per 1,000 sq. ft. GFA
<b>Healthcare Facilities</b>	
Hospital	1 space per patient bed design capacity
Medical clinic	5 spaces per 1,000 sq. ft. GFA
Methadone treatment facility	3.3 spaces per 1,000 sq. ft. GFA
Opioid rehabilitation facility	3.3 spaces per 1,000 sq. ft. GFA
<b>COMMERCIAL USES</b>	
<b>Agricultural and Animal Uses</b>	
Kennel	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Orchard or tree farm, commercial	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Pet grooming	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Plant nursery or greenhouse, commercial	3.3 spaces per 1,000 sq. ft. of GFA retail sales
Veterinarian clinic	3.3 spaces per 1,000 sq. ft. GFA
<b>Entertainment and Recreation</b>	
Amenity center	<u>2.5 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Country club	<u>2 spaces per golf hole plus 2.5 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Recreation, indoor	Bowling alley: 3 spaces per lane Theater: 1 space per 4 seats in assembly areas All other: 4 spaces per 1,000 sq. ft. GFA
Recreation, outdoor	Golf course: 2 spaces per golf hole Mini golf course: 1 space per golf hole Golf driving range: 1 space per tee box All other: 2.5 spaces per 1,000 sq. ft. of site area used for recreation
Sexually oriented business	5 spaces per 1,000 sq. ft. GFA



**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Stadium	<del>1 space per 4 seats</del> No limit
<b>Food, Beverage, and Lodging</b>	
Bar or Dance club	4 spaces per 1,000 sq. ft. GFA
Bed and breakfast	1 space per guest bedroom
Brewpub, distillery, or winery	Indoor tasting/seating area: 10 spaces per 1,000 sq. ft. GFA; Outdoor tasting/seating area: 5 spaces per 1,000 sq. ft. of
Hotel or motel	1 space per guest room
Restaurant	Indoor seating area: <del>15</del> 10 spaces per 1,000 sq. ft. GFA; Outdoor seating area: 5 spaces per 1,000 sq. ft. of
<b>Office, Business, and Professional Services</b>	
Artist studio or workshop	1 space per 1,000 sq. ft. GFA
Check cashing	4 spaces per 1,000 sq. ft. GFA
Financial institution	4 spaces per 1,000 sq. ft. GFA
Fitness center, small	<del>4.3</del> 3 spaces per 1,000 sq. ft. GFA
Fitness center, large	<del>4.5</del> 3 spaces per 1,000 sq. ft. GFA
Office	3.3 spaces per 1,000 sq. ft. GFA
Personal service, small	3.3 spaces per 1,000 sq. ft. GFA
Personal service, large	3.3 spaces per 1,000 sq. ft. GFA
Tattoo or piercing parlor	3.3 spaces per 1,000 sq. ft. GFA
<b>Retail Sales</b>	
Building supply store	2 spaces per 1,000 sq. ft. GFA
Grocery or supermarket	5 spaces per 1,000 sq. ft. GFA
Liquor or tobacco sales	3.3 spaces per 1,000 sq. ft. GFA
Pawn shop	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, small	4 spaces per 1,000 sq. ft. GFA
Retail sales, medium	4 spaces per 1,000 sq. ft. GFA
Retail sales, large	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, big box	3.3 spaces per 1,000 sq. ft. GFA
<b>Vehicles and Equipment</b>	
Equipment sales or rental	2.85 spaces per 1,000 sq. ft. GFA of indoor sales/leasing/ office area; plus 1 space per service bay
Transportation terminal	<del>1.25 spaces per 0.5 acres</del> No limit
Vehicle fleet operations, small	<del>1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA</del> No limit
Vehicle fleet operations, large	<del>1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA</del> No limit
Vehicle fuel station	5 spaces per 1,000 sq. ft. GFA
Vehicle impound storage	<del>1.25 spaces per 0.5 acres</del> No limit
<del>Vehicle parking garage</del>	<del>No limit</del>
Vehicle repair, major	2.85 spaces per 1,000 sq. ft. of indoor sales/leasing/ office area;

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Vehicle repair, minor	plus 1 space per service bay
Vehicle sales or rental	
Vehicle wash	<u>2.5 spaces per 1,000 sq. ft. of indoor sales/office area plus 1 space per service bay</u> <del>No limit</del>
<b>EMPLOYMENT USES</b>	
<b>Manufacturing and Processing</b>	
Commercial Laundry	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Food production or processing	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Manufacturing, artisan	<u>2.5 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Manufacturing, light	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Manufacturing, heavy	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Salvage or scrap yard	<u>1.25 spaces per 0.5 acres plus 2.5 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
<b>Storage, Distribution, or Warehousing</b>	
Bottled gas storage or distribution	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Contractor's yard	<u>3.3 spaces per 1,000 sq. ft. GFA plus 1 space per each company vehicle up to a maximum of 30 company vehicles</u> <del>1 parking space per approved building occupancy</del>
Distribution, warehouse, or wholesale facility	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Storage, outdoor	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Storage, self-service	2.85 spaces per 1,000 GFA of indoor sales/leasing/office space
<b>Resource and Extraction</b>	
Gravel, cement, or sand production	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Quarry	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Stone processing	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
<b>UTILITIES AND COMMUNICATION</b>	
Communication facility	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Solar collector, ground- or building-mounted	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Utility substation and transmission facility	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Wind energy system, large	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Wind energy system, small	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
<b>ACCESSORY USES</b>	
Chicken flock	<u>No additional parking</u> <del>No limit</del>
Crops and pasturage	<u>No additional parking</u> <del>No limit</del>
Detached garage	<u>No additional parking</u> <del>No limit</del>
Drive-through	<u>No additional parking</u> <del>No limit</del>
Dwelling, accessory unit	<u>No additional parking</u> <del>No limit</del>
Electric vehicle charging facility	<u>No additional parking</u> <del>No limit</del>

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Greenhouse, noncommercial	No additional parking No limit
Home occupation	No additional parking No limit
Outdoor retail and display	No additional parking No limit
Outdoor trash and recyclables receptacles	No additional parking No limit
Recycling drop-off, self-serve	No additional parking No limit
Swimming pool	No additional parking No limit
<b>TEMPORARY USES</b>	
Book buyback	No additional parking No limit
Construction support activities	No additional parking No limit
Farm produce sales	No additional parking No limit
Real estate sales or model home	No additional parking No limit
Seasonal sales	No additional parking No limit
Special event	No additional parking No limit

**(f) Accessible Parking**

- (1) Accessible spaces shall be provided and designed as required to meet the requirements of the Americans with Disabilities Act (ADA) and the Indiana Building Code (IBC).
- (2) Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for persons with disabilities.
- (3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces per the Indiana Manual on Uniform Traffic Control Devices.
- (4) Required accessible spaces shall count towards the number of maximum parking spaces permitted, unless the maximum allowed number of parking spaces is 25 spaces or less.

**(g) Adjustments to Minimum Parking Requirements**

The amount of vehicle parking required pursuant to Table 04-9: Minimum Vehicle Parking Requirements, may be adjusted by the factors listed in this Section 20.04.060(g). These adjustments may be applied as part of the calculation of parking requirements and do not require discretionary approval by the City.

**(1) Shared Parking Facilities**

**(A) Generally**

- i. When reviewing a shared parking proposal, the City Planning and Transportation Department shall consider any additional reductions in minimum parking requirements that might otherwise apply pursuant to subsections (2) through (5) below, but such additional reductions shall not apply to further reduce the shared parking requirements approved by the City Planning and Transportation Department.